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**THE WORKMEN'S COMPENSATION
PROBLEM IN NEW YORK STATE**

STUDIES IN SOCIAL LEGISLATION

PUBLISHED BY

NATIONAL INDUSTRIAL CONFERENCE
BOARD, INC.

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COMPENSATION PROBLEM IN NEW YORK STATE



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FOREWORD

THE subject of workmen's compensation legislation and its administration has commanded the close attention both of legislators and industrialists during the last few decades. Because it is of comparatively recent development and in its early stages has necessarily been largely experimental, compensation legislation in the various states has been kept in the forefront as a subject of legislative consideration by the constant stream of proposed amendments, while its effect upon operating costs in industry and business has kept it a live issue with employers. It was, therefore, both natural and proper that when, in March, 1926, the New York State Legislature created by joint resolution an Industrial Survey Commission to investigate existing conditions under which the manufacturing and mercantile business of the state was carried on, with particular reference to any apparent effects of restrictive or regulatory legislation, workmen's compensation should be selected as a subject for particular attention.

In its desire to be helpful to the Survey Commission as well as to itself by a full disclosure of the facts, Associated Industries of New York State, Inc., requested the National Industrial Conference Board to conduct an investigation for the purpose of assembling and placing at the disposal of the Survey Commission pertinent material relating to the experience of employers and wage earners with the operation of the New York workmen's compensation law and its cost. In the few months which were available before the Survey Commission closed its public hearings only a preliminary report could be submitted on this admittedly complex and highly technical subject. Rather the endeavor was made to assemble material which would be of particular assistance to the Commission in evaluating the effects of the present workmen's compensation act upon all groups concerned, and in considering the advisability of recommending amendments or additions to the law.

The preliminary report was submitted to the Commission in January, 1927. In its present revised form the material has been somewhat rearranged in the interest of clearer presentation, and certain data which have become available since the preparation of the original draft, such as the 1926 workmen's compensation data of the State Department of Labor and the results of additional replies from employers to the Board's questionnaire, have been included, but these supplementary data have tended to confirm rather than to alter the original conclusions.

The Conference Board is under great obligation to a number of organizations which are in close touch with the workmen's compensation situation in New York as well as in other states, such as: the National Council on Compensation Insurance, the National Bureau of Casualty and Surety Underwriters, the Compensation Inspection Rating Board, the Workmen's Compensation Publicity Bureau and the New York State Department of Labor. These organizations have given generously of their time and have placed invaluable material at the disposal of the Conference Board. Grateful acknowledgment is also made of the courtesy of a number of the leading casualty insurance companies operating in New York State which, at considerable expense, have given this study the benefit of their records of experience.

The Conference Board is particularly indebted to nearly five hundred manufacturing establishments in New York State which together employ about one-fifth of the state's wage-earning population, and to the committees of industrial executives in leading centers which acted as coordinating agencies in securing the widest possible expression of factual and personal experience from their respective communities. These employers searched their past records to provide factual material bearing on their experience and that of their employees, which might throw light upon problems which confront the administrators of the law. The Board wishes to express to all these groups its appreciation of the assistance rendered.

This volume is the result of an investigation conducted by the Conference Board's Research Staff, under the supervision of the Board's Staff Economic Council.

FOREWORD

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In the preparation of its studies the National Industrial Conference Board avails itself of the experience and judgment of the business executives who compose its membership, and of recognized authorities in special fields, in addition to the scientific knowledge and equipment of its Research Staff. The publications of the Board thus finally represent the result of scientific investigation and broad business experience, and the conclusions expressed therein are those of the Conference Board as a body.

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COMPARISON OF PROVISIONS OF WORKMEN'S COM-
PENSATION LAWS IN THE VARIOUS STATES

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TABLE 73: COMPULSORY AND ELECTIVE COMPENSATION LAWS, BY STATES, PRIVATE EMPLOYMENTS

Compensation Compulsory	Compensation Elective	
Arizona ¹	Alabama	Nebraska
California ²	Colorado	Nevada
Idaho	Connecticut	New Hampshire ⁴
Illinois	Delaware	New Jersey
Maryland	Georgia	New Mexico
New York	Indiana ³	Oregon
North Dakota	Iowa	Pennsylvania
Ohio	Kansas	Rhode Island
Oklahoma	Kentucky	South Dakota
Utah	Louisiana	Tennessee
Washington	Maine	Texas
Wyoming	Massachusetts	Vermont
	Michigan	Virginia
	Minnesota	West Virginia ⁶
	Missouri	Wisconsin
	Montana	

¹ Compulsory as to employers and some employees. Elective as to employees in hazardous industries.

² Elective as to farm labor, domestic service and other excepted employments.

³ Compulsory as to coal mining.

⁴ Injured employees have election *after* injury to accept compensation or to sue for damages.

⁶ Employers only have the election.

NOTE: Based on F. Robertson Jones: "Digest of Workmen's Compensation Laws," Ninth Edition, pp. 6, 7.

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TABLE 74: FORMS OF INSURANCE PROVIDED FOR BY STATES

Exclusive	State Fund		Private Insurance	Self-Insurance
	Competitive			
	Arizona		Alabama	Alabama
	California		Arizona	Arizona
	Colorado		California	California
			Colorado	Colorado
			Connecticut	Connecticut
			Delaware	Delaware
			Georgia	Georgia
	Idaho		Idaho	Idaho
			Illinois	Illinois
			Indiana	Indiana
			Iowa	Iowa
			Kansas	Kansas
			Kentucky	Kentucky
			Louisiana	Louisiana
			Maine	Maine
	Maryland		Maryland	Maryland
			Massachusetts	
	Michigan		Michigan	Michigan
			Minnesota	Minnesota ¹
	Montana		Montana	Montana
			Nebraska	Nebraska
Nevada			New Hampshire	New Hampshire
			New Jersey	New Jersey
			New Mexico	New Mexico
			New York	New York
North Dakota				
Ohio			Oklahoma	Ohio
Oregon				Oklahoma
			Pennsylvania	Pennsylvania
			Rhode Island	Rhode Island
			South Dakota	South Dakota
			Tennessee	Tennessee
			Texas	
	Utah		Utah	Utah
			Vermont	Vermont
	Virginia ²		Virginia	Virginia
Washington				West Virginia ²
West Virginia			Wisconsin	Wisconsin
Wyoming				

¹ Mentioned, but no provision made.

² Employers on conditions may be allowed to carry their own risks and thereupon insure in private companies.

NOTE: The analytical headings are from C. Hookstadt: Bulletin of U. S. Bureau of Labor Statistics, No. 275, p. 16.

TABLE 75: SCOPE OF COMPENSATION LAWS BY STATES,¹ PRIVATE EMPLOYMENTS

Inclusions		Exclusions					
Hazardous and Non-hazardous Employments	Hazardous Employments	Numerical Exceptions	Agriculture	Domestic Service	Casual Labor and Employment not for Employer's Business	Employments not Conducted for Gain	Other Employments
Alabama		Alabama: less than 16	Alabama	Alabama	Alabama		Alabama: common carriers engaged in interstate commerce
Arizona		Arizona: less than 3	Arizona: not employed in use of machinery California	Arizona	Arizona		Arizona: interstate or foreign commerce
California				California	California		California: watchmen paid by subscription; ranch labor
399 Colorado		Colorado: less than 4	Colorado	Colorado	Colorado	Colorado	Colorado: common carriers in interstate commerce; ranch laborers
Connecticut		Connecticut: less than 5; abrogation of defenses for non-acceptance does not apply			Connecticut: abrogation of defenses for non-acceptance does not apply		Connecticut: outworkers; members of employer's family residing with him unless wages or salary are on payroll; employees in interstate or foreign commerce if covered by laws of U. S.
Delaware		Delaware: less than 5	Delaware	Delaware	Delaware		Delaware: outworkers
Georgia		Georgia: less than 10	Georgia	Georgia	Georgia	Georgia	Georgia: employees of public charities; common carriers in interstate commerce by steam power

Idaho			Idaho	Idaho	Idaho	Idaho	Idaho: charitable organization employees; outworkers; members of employer's family dwelling in house
	Illinois					Illinois: not in course of business	Illinois: employers whose exclusive liability for personal injuries is provided by law of U. S.
Indiana			Indiana	Indiana	Indiana		Indiana: R. R. employees in train service unless they and employers elect to come under act, and those provided for by laws of U. S.
Iowa			Iowa	Iowa	Iowa		Iowa: purely clerical employees or persons engaged as personal representatives; those in interstate and foreign commerce not covered by laws of congress
	Kansas: employees in mines without regard to number employed; other dangerous enumerated occupations	Kansas: less than 5	Kansas		Kansas: not for purpose of business	Kansas: trade or gain	Kansas: business or employments in interstate commerce not subject to legislative powers of state
Kentucky		Kentucky: less than 3	Kentucky: except operators of threshing machines	Kentucky			Kentucky: employees on steam railways and common carriers except those provided for in Federal Liability Act

¹ Headings based on C. Hookstadt, Bureau of Labor Statistics Bulletin, No. 275, pp. 20, 21.

TABLE 75: SCOPE OF COMPENSATION LAWS BY STATES,¹ PRIVATE EMPLOYMENTS—(Continued)

Inclusions		Exclusions					
Hazardous and Non-hazardous Employments	Hazardous Employments	Numerical Exceptions	Agriculture	Domestic Service	Casual Labor and Employment Not for Employer's Business	Employments Not Conducted for Gain	Other Employments
Maine	Louisiana: enumerated or decided by court to be hazardous	Maine: less than 6; abrogation of defenses for non-acceptance does not apply	Maine	Maine	Maine	Maryland	Louisiana: common carriers in interstate or foreign commerce
	Maryland: partly enumerated		Maryland	Maryland	Maryland		Maine: masters of and seamen on vessels in interstate or foreign commerce; those covered by laws of U. S.; abrogation of defenses to non-electing employers does not apply to logging operations
Massachusetts			Massachusetts	Massachusetts	Massachusetts: not in course of employer's business		Maryland: country blacksmiths, wheelwrights and similar rural employments
Michigan			Michigan: abrogation of defense for non-acceptance does not apply	Michigan: abrogation of defense for non-acceptance does not apply			Massachusetts: masters and seamen on vessels in foreign or interstate commerce
							Michigan: those engaged in interstate or foreign commerce covered by laws of U. S.

Minnesota			Minnesota: ex- cept commer- cial threshers balers	Minnesota	Minnesota	Minnesota: employees of common carriers by steam railroads
Missouri	Missouri: when 10 or less are em- ployed in haz- ardous occu- pation, Com- mission may require elec- tion. Montana: enumerated	Missouri: less than 11	Missouri	Missouri	Missouri	Missouri: family chauffeurs; outworkers; employees receiving over \$3,600 annually; those exclusively covered by federal law
Nebraska			Montana	Montana	Montana	Montana: railroads engaged in interstate commerce
			Nebraska	Nebraska	Nebraska	Nebraska: employees of railroads engaged in interstate or foreign commerce
Nevada			Nevada	Nevada	Nevada	Nevada: stock or poultry raising
	New Hamp- shire: in man- ual or me- chanical labor in industries enumerated	New Hamp- shire: less than 5				
New Jersey					New Jersey: casual only New Mexico	New Mexico: interstate commerce not subject to legislative power of state
	New Mexico: enumerated	New Mexico: less than 4				New Mexico: interstate or foreign commerce cov- ered by laws of congress
New York		New York: less than 4	New York	New York	New York	

¹Headings based on C. Hookstadt, Bureau of Labor Statistics Bulletin, No. 275, pp. 20, 21.

TABLE 75: SCOPE OF COMPENSATION LAWS BY STATES,¹ PRIVATE EMPLOYMENTS—(Continued)

Inclusions		Exclusions					
Hazardous and Non-hazardous Employments	Hazardous Employments	Numerical Exceptions	Agriculture	Domestic Service	Casual Labor and Employment Not for Employer's Business	Employments Not Conducted for Gain	Other Employments
North Dakota			North Dakota	North Dakota	North Dakota		North Dakota: employees of common carriers by steam railroad; executive officers of business concerns getting over \$2,400
Ohio		Ohio: less than 3			Ohio		Ohio: those in interstate or foreign commerce for whom compensation is established by Congress
	Oklahoma: enumerated	Oklahoma: less than 2	Oklahoma			Oklahoma	Oklahoma: employees on railroads in interstate commerce
	Oregon: specified		Oregon				Oregon: employees on railroads in interstate commerce
Pennsylvania Rhode Island		Rhode Island: less than 6	Pennsylvania Rhode Island	Pennsylvania Rhode Island	Pennsylvania Rhode Island		Pennsylvania: outworkers Rhode Island: employees receiving more than \$3,000 a year
South Dakota			South Dakota: except operators of threshing machines, traction engines and separators	South Dakota	South Dakota		South Dakota: employments where laws of U. S. provide compensation in interstate or foreign commerce
Tennessee		Tennessee: less than 5	Tennessee	Tennessee	Tennessee		Tennessee: employees of common carriers in interstate commerce
Texas		Texas: less than 3	Texas	Texas	Texas		Texas: ranch laborers; masters and seamen on vessels in interstate and

							<p>employees of common carriers by railway; officers and directors of corporations</p>
Utah		Utah: less than 3	Utah	Utah	Utah		Utah: Interstate and foreign commerce
Vermont		Vermont: less than 11		Vermont	Vermont	Vermont	Vermont: employees receiving over \$2,000 a year, interstate and foreign commerce covered by laws of U. S.
Virginia		Virginia: less than 11	Virginia	Virginia	Virginia		Virginia: employees of common carriers engaged in interstate commerce; common carriers in interstate commerce or with District of Columbia
Washington:	enumerated						Washington: employees of common carriers by railroad engaged in interstate or foreign and intrastate commerce
West Virginia			West Virginia	West Virginia			West Virginia: persons prohibited by law from being employed; members of firm; officers or managers of corporations
Wisconsin		Wisconsin: less than 3	Wisconsin: abrogation of defenses for non-acceptance does not apply	Wisconsin	Wisconsin: not in course of employer's business		Wisconsin: railroad engaged as common carrier except by agreement
Wyoming:	enumerated		Wyoming	Wyoming	Wyoming	Wyoming	Wyoming: ranch horticultural labor; stock raising; employees clerical work not exposed to the hazards of the business, or an official

¹ Headings based on C. Hookstadt, Bureau of Labor Statistics Bulletin, No. 275, pp. 20, 21.

TABLE 76: LENGTH OF WAITING PERIODS, BY STATES

None (2)	3 Days (4)	5 Days (1)	One Week or 7 Days (28)		10 Days (4)	2 Weeks (4)
Oregon South Dakota	Maryland Missouri Utah Washington	Oklahoma	Arizona California Connecticut Georgia Idaho ¹ Illinois ² Indiana Kansas Kentucky Louisiana Maine Massachusetts Michigan Minnesota ³	Nebraska Nevada New Hampshire New Jersey ⁴ New York North Dakota Ohio Rhode Island Tennessee Texas Vermont West Virginia Wisconsin Wyoming ⁵	Colorado ⁷ New Mexico Pennsylvania Virginia	Alabama Delaware Iowa ⁶ Montana

¹ No waiting period by ruling of Commissioner, although law provides 10-day waiting period, retroactive at 6 weeks.

² 7 days if disability is less than 5 weeks; 3 days if disability extends 4 weeks; 2 days if for 5 weeks; 1 day if for 6 weeks; none if for 7 weeks.

³ No waiting period in permanent total cases.

⁴ In temporary total or partial cases only.

⁵ Day employee leaves work counted as one day.

⁶ In temporary total cases only.

⁷ Compensation for specific injury begins on date of actual loss.

⁸ No waiting period in permanent partial cases.

TABLE 77: DURATION OF RETROACTIVE PERIODS, BY STATES

1 Week or 7 Days (3)	2 Weeks (1)	3 Weeks (2)	4 Weeks (8)	5 Weeks (1)	6 Weeks (6)	7 Weeks (3)	No Retroactive Clauses (17)
Nevada New Hampshire North Dakota	Arizona *	Wisconsin ¹ Wyoming ¹	Alabama Connecticut ² Delaware Illinois Massachusetts ¹ Minnesota Missouri Rhode Island ¹	Iowa ²	Louisiana Michigan ² Montana Nebraska Tennessee Virginia ¹	Idaho ¹ New Jersey ¹ New York ¹	California Colorado ² Georgia Indiana Kansas Kentucky Maine Maryland New Mexico Ohio Oklahoma Pennsylvania Texas Utah Vermont Washington West Virginia

¹ If disability extends *beyond* the period indicated.

² After the 35th day compensation increased two-thirds for 5th, 6th and 7th weeks of disability.

³ Retroactive if death results from injury.

⁴ See footnote 2, p. 344.

⁵ See footnote 7, p. 344.

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TABLE 78: MAXIMUM PERIODS OF MEDICAL AID, BY STATES

No Limit (15)		6 Months (2)	90 Days (5)	12 Weeks (1)	60 Days (5)	8 Weeks (1)	50 Days (1)	30 Days (6)	4 Weeks (2)	2 Weeks (3)	10 Days (1)	Not Specified (1)
California Connecticut Idaho Illinois Louisiana Maryland Nebraska Wyoming	New Jersey New York North Dakota Ohio Oregon Utah West Virginia	Montana Nevada ¹	Arizona ² Kentucky ² Michigan Minnesota ² Wisconsin ²	South Dakota	Alabama Colorado Missouri ² Oklahoma ² Virginia	Rhode Island	Kansas	Delaware ² Georgia Indiana ² Maine ² Pennsylvania Tennessee	Iowa Texas ²	Massachusetts ² New Hampshire Vermont	New Mexico	Washington ²

¹ Commission may extend the period to 18 months.

² Board, Commission or Department may require additional medical services for further period.

³ Board may extend period 30 days.

⁴ Hospital services subject to extension 2 additional weeks.

⁵ In case of temporary disability not beyond period of compensation payments; in case of permanent disability not beyond date of award. Period may be extended when necessary for complete recovery.

⁶ Commission may extend the period to 1 year.

TABLE 79: MAXIMUM AMOUNTS PAYABLE FOR MEDICAL AID, BY STATES

No Limit (12)	\$800 (1)	\$500 (3)	\$300 (1)	\$250 (3)	\$200 (2)	\$150 (4)	\$100 (10)
Arizona ¹	Nebraska	West Virginia ⁴	Maryland ¹	Wyoming ⁴	Louisiana	Colorado ^{1,9}	Alabama
California ²	Nevada ¹		Montana		Missouri	Ohio ⁷	Delaware
Connecticut	New Hampshire		Utah		Oregon ^{7,8}		Georgia
Idaho	New York					Kansas	Iowa ¹⁰
Illinois ⁴	North Dakota					New Mexico	Kentucky ¹²
Indiana	Oklahoma					Rhode Island ¹⁰	Maine ⁷
Massachusetts ²	Texas					South Dakota	New Jersey ^{7,12}
Michigan	Virginia						Pennsylvania ^{1,4}
Minnesota ¹	Washington ⁸						Tennessee ¹
	Wisconsin ^{1,4}						Vermont

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¹ Crutches, apparatus, artificial members included.

² Artificial members, crutches and other apparatus to be provided.

³ Artificial eyes, limbs or apparatus are provided.

⁴ Christian Science treatment at option of employee.

⁵ Commissioner may authorize additional \$600 in permanent disability cases.

⁶ Includes \$150 for hospital expenses.

⁷ Commission or Bureau may increase amount.

⁸ Includes \$100 for hospital accommodations; \$100 for surgical and medical service and \$50 for transportation and medicine.

⁹ Dental treatment in addition; maximum \$100.

¹⁰ If hospital treatment extends beyond 14 days, but \$100 where no hospital treatment is given or where hospital treatment is required for not more than 14 days.

¹¹ Commissioner may order additional treatment, maximum \$100.

¹² Additional \$100 where necessary; in case of operation for hernia \$100 additional.

¹³ Includes \$50 for physician's or surgeon's services and in addition \$50 for hospital treatment and appliances.

¹⁴ Exclusive of hospital treatment; amount not limited during the 30 days.

TABLE 80: INCLUSION AND EXCLUSION OF OCCUPATIONAL DISEASES, BY STATES

Specifically by Law	Excluded		Included, Completely or Partially		
	By Word Accident	By Courts' or Commissions' Interpretations	By Word Injury	By Courts' or Commissions' Interpretations	States Enumerating Diseases
Alabama					
Arizona			California		
	Colorado		Connecticut		
Delaware					
Georgia					
Idaho					Illinois ²
Indiana					
Iowa					
	Kansas				Kentucky ⁴
Louisiana					
	Maine			Maryland	
		Michigan		Massachusetts	
Missouri ¹					Minnesota
Montana					
Nebraska					
	Nevada				
	New Hampshire				New Jersey
	New Mexico				New York
				North Dakota ³	Ohio
	Oklahoma				
	Oregon				
	Pennsylvania				
	Rhode Island				
South Dakota					
Tennessee		Texas			
Utah					
Vermont					
Virginia					
Washington			Wisconsin		
Wyoming					

West Virginia makes no provision

¹ Employees entitled to rights under state laws pertaining to occupational disease.

² Bureau allows cases as they come up.

³ Only occupations from which disease may arise enumerated.

⁴ Diseases excluded except those due to inhalation of mine gas or smoke or to inhalation of any kind of gas.

NOTE: The analytical headings, with some additions are based on C. Hookstadt, Bulletin of U. S. Bureau of Labor Statistics, No. 275, p. 49.

TABLE 81: TYPES OF OCCUPATIONAL DISEASES COVERED,
BY STATES—(Continued)

MINNESOTA	
<i>Description of Disease</i>	<i>Description of Process</i>
1. Anthrax.	Handling of wool, hair, bristles, hides or skins.
2. Lead poisoning or its sequelæ.	Any process involving the use of lead or its preparations or compounds.
3. Mercury poisoning or its sequelæ.	Any process involving the use of mercury or its preparations or compounds.
4. Phosphorus poisoning or its sequelæ.	Any process involving the use of phosphorus or its preparations or compounds.
5. Arsenic poisoning or its sequelæ.	Any process involving the use of arsenic or its preparations or compounds.
6. Poisoning by wood alcohol.	Any process involving the use of wood alcohol or any preparation containing wood alcohol.
7. Poisoning by nitro- and amido-derivatives of benzene (dinitro-benzol, anilin, and others), or its sequelæ.	Any process involving the use of a nitro- or amido-derivative of benzene or its preparations or compounds.
8. Poisoning by carbon bisulphide or its sequelæ.	Any process involving the use of carbon bisulphide or its preparations or compounds.
9. Poisoning by nitrous fumes or its sequelæ.	Any process in which nitrous fumes are evolved.
10. Poisoning by nickel carbonyl or its sequelæ.	Any process in which nickel carbonyl gas is evolved.
11. Dope poisoning (poisoning by tetrachlormethane or any substance used as or in conjunction with a solvent for acetate of cellulose) or its sequelæ.	Any process involving the use of any substance used as or in conjunction with a solvent for acetate of cellulose.
12. Poisoning by gonioma kamassi (African boxwood) or its sequelæ.	Any process in the manufacture of articles from gonioma kamassi (African boxwood).
13. Chrome ulceration or its sequelæ.	Any process involving the use of chromic acid or bichromate of ammonium, potassium or sodium or their preparations.
14. Epitheliomatous cancer or ulceration of the skin or of the corneal surface of the eye, due to tar, pitch, bitumen mineral oil or paraffin, or any compound, product or residue of any of these substances.	Handling or use of tar, pitch, bitumen, mineral oil or paraffin or any compound, product or residue of any of these substances.
15. Giandera.	Care or handling of any equine animal or the carcass of any such animal.
16. Compressed air illness or its sequelæ.	Any process carried on in compressed air.
17. Ankylostomiasis.	Mining.
18. Miners' nystagmus.	Mining.
19. Subcutaneous cellulitis of the hand (beat hand).	Mining.
20. Subcutaneous cellulitis over the patella (miner's beat knee).	Mining.
21. Acute bursitis over the elbow (miner's beat elbow).	Mining.
22. Inflammation of the synovial lining of the wrist-joint and tendon sheaths.	Mining.
23. Cataract in glassworkers.	Processes in the manufacture of glass involving exposure to the glare of molten glass.

NOTE: From Minnesota, Workmen's Compensation Law, Section 4327 (9).

TABLE 82: DEATH CASES, MAXIMUM WEEKLY PAYMENTS, BY STATES

No Limit	\$20.83	\$20.00	\$19.00	\$18.75	\$18.00	\$17.00	\$16.00	\$15.00	\$14.00	\$13.20	\$12.75	\$12.00	States Not Using Weekly Basis
4 Arizona South Dakota Vermont Wisconsin	1 California	5 Louisiana Minnesota Missouri North Dakota ¹ Texas	1 Illinois ¹	1 Ohio	5 Connecticut Delaware ¹ Maine Maryland New Mexico	1 New Jersey	2 Massachusetts ² Utah	4 Alabama ¹ Iowa Montana Nebraska	2 Michigan Rhode Island ³	1 Indiana	1 Georgia	6 Colorado Idaho Kentucky Pennsylvania ¹ Tennessee ⁴ Virginia Wyoming ¹⁴	8 Kansas ⁷ Nevada ⁸ New Hampshire ⁹ New York ¹⁰ Oregon ¹¹ Washington ¹² West Virginia ¹³ Wyoming ¹⁴

¹ Amounts for these states have been calculated from the basic wage.

² Varies from \$14.00 to \$19.00, according to number of children.

³ Varies from \$10.00 to \$16.00 to widow depending on number of children; \$10.00 maximum for other total dependents.

⁴ Varies from \$12.00 to \$15.00, according to number of children.

⁵ Varies from \$10.00 to \$14.00, according to number of children.

⁶ Varies from \$12.00 to \$15.00, according to a conflicting section.

⁷ Lump sum equal to three times annual earnings, maximum \$3,800.

⁸ \$80.00 per month, calculated from basic wage.

⁹ Lump sum, 150 times average weekly earnings, maximum \$3,000.

¹⁰ \$100 per month, calculated from basic wage.

¹¹ \$15.00 monthly for one orphan, and up.

¹² \$20.00 monthly for parents of unmarried minor; \$250 in lump sum to widow immediately.

¹³ \$10.00 monthly for one orphan, and up.

¹⁴ Lump sum to widow or invalid widower \$2,000; yearly payments for children with aggregate payment \$3,600.

NOTE.—Law does not apply to fatal cases in Oklahoma.

TABLE 84: DEATH CASES, MAXIMUM AGGREGATE PAYMENTS, BY STATES, FOR CHIEF BENEFICIARIES

No Limits	\$7,500	\$6,500	\$5,600	\$5,000	\$4,500	\$4,350	\$4,000	\$3,800	\$3,750	\$3,500	\$3,000	Not Specified ¹
7 Arizona Nevada New York North Dakota Oregon Wash- ington West Virginia	1 Minne- sota	1 Ohio	1 Wyo- ming ²	5 Ala- bama Califor- nia ² Indiana Mary- land Utah	1 Virginia	1 Illinois ⁴	3 Ken- tucky ⁴ Maine Massa- ch u- setts ⁴	1 Kansas	1 Colo- rado	1 Ver- mont	2 New Hamp- shire South Dakota	17 Connecticut Delaware Georgia Idaho Iowa Louisiana Michigan Missouri Montana Nebraska New Jersey New Mexico Pennsylvania Rhode Island Tennessee Texas Wisconsin ⁷

¹ Maximum payments limited by weekly maximum and maximum number of weeks.

² Lump sum of \$2,000 to widow or invalid widower, additional sum of \$120 a year to each child, not to exceed in aggregate \$3,600.

³ Three times average annual earnings. Amount includes disability indemnity due or accrued if any.

⁴ Four times average annual earnings. Varies from \$3,750 to \$4,350.

⁵ Includes payments for disability.

⁶ For total dependents other than widow, children or orphans.

⁷ Four times average annual earnings in addition to payments made prior to death, but not to exceed maximum amount payable for permanent total disability.

TABLE 85: DEATH CASES, MAXIMUM DURATION OF PAYMENTS, BY STATES, FOR CHIEF BENEFICIARIES

Until Death of Remarriage ¹	416 Weeks	400 Weeks	360 Weeks	350 Weeks	335 Weeks	312 Weeks	300 Weeks	285 Weeks	260 Weeks	Not Specified ¹⁷	Lump Sums
8 Arizona ⁸ Minnesota ⁹ Nevada ⁴ New York ³ North Dakota ⁴ Oregon ⁶ Washington ⁷ West Virginia ⁵	3 Illinois ³ Maryland ⁴ Ohio ⁵	4 Idaho ⁹ Massachusetts ^{9, 13} Montana ⁹ Tennessee ⁹	1 Texas ⁹	1 Nebraska	1 Kentucky ⁹	3 Colorado ^{9, 11} Connecticut ⁹ Utah ^{4, 12}	13 Alabama ⁹ Georgia ¹² Indiana ⁹ Iowa ¹² Louisiana ¹² Maine ⁹ Michigan ⁹ Missouri ⁹ New Jersey ¹⁴ New Mexico ⁹ Pennsylvania ^{8, 15} Rhode Island ¹² Virginia ¹²	1 Delaware ^{9, 15}	1 Vermont ⁹	3 California ⁹ South Dakota ⁹ Wisconsin ⁹	3 Kansas ⁹ New Hampshire ⁹ Wyoming ⁹

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¹ In cases of widow or dependent widower.
² To widow upon remarriage, two years' compensation in a lump sum.
³ Not beyond period required to pay maximum amount. To widow without children on remarriage, two years' compensation as a maximum.
⁴ To widow without children upon remarriage, two years' compensation in a lump sum.
⁵ To widow upon remarriage, 156 weeks' compensation in a lump sum.
⁶ To widow upon remarriage, \$300 in a lump sum.
⁷ To widow upon remarriage, \$240.
⁸ To widow or widower upon remarriage. If within two years after death, a dowry of 20% of amount due between date of remarriage and end of ten years from death of employee.
⁹ Includes period of disability payment, if any.
¹⁰ For other total beneficiaries than widow, children and orphans, 500 weeks.

¹¹ To widow without children upon remarriage, one-half compensation remaining payable in lump sum.
¹² To widow if sole dependent upon remarriage, one-third of remaining compensation payable in lump sum.
¹³ Where disability payments have been made before death, compensation to dependents begins on date of last of such payments but shall not continue more than 300 weeks from the date of injury.
¹⁴ Where disability payments have been made before death maximum total period for disability and death payments is 500 weeks.
¹⁵ Except in case of children, brothers and sisters, to widow upon remarriage, lump sum equal to one-third of the compensation due, maximum 100 weeks.
¹⁶ Except in case of orphan or abandoned child.
¹⁷ Period limited by aggregate maximum payment.
¹⁸ To widow without children upon remarriage, compensation one year, if due.

TABLE 86: DEATH CASES, MAXIMUM PAYABLE TO SPECIFIC STATE FUNDS IN THE ABSENCE OF DEPENDENTS

Percentage Basis	\$1,000.00	\$850.00	\$300.00	\$200.00	\$100.00
Utah ¹	Idaho New York Wisconsin ²	Arizona	Illinois	Minnesota	Massachusetts

¹ 20% of amount that would have been paid if there were no total dependents.

² Where there are no total dependents such amount as, when added to payments to partial dependents, shall equal four times the average annual earnings, maximum \$1,000.00.

TABLE 87: DEATH CASES, MAXIMUM PAYMENTS FOR BURIAL EXPENSES

\$200.00	\$150.00	\$125.00	\$100.00	\$75.00	
6	20	2	12	2	
Idaho Maine ¹ Michigan ¹ New York Rhode Island ¹ Wisconsin	Arizona California Illinois ² Iowa Kansas ² Massachusetts ² Minnesota ² Missouri Montana Nebraska	Nevada New Jersey North Dakota Ohio South Dakota ² Utah Virginia ² Washington ² West Virginia Wyoming	Colorado Maryland	Alabama ¹ Connecticut Delaware ¹ Georgia ¹ Indiana Louisiana ² New Hampshire ¹ Oregon Pennsylvania Tennessee Texas ² Vermont	Kentucky New Mexico ¹

¹ Includes expenses of last sickness.

² In cases of no dependents, only.

³ Except where other insurer or benefit association is liable.

⁴ In cases of dependents, \$100.00.

⁵ In cases of widows or orphan children; in other cases \$100.00.

⁶ Reasonable contingent expenses in addition, \$50.00.

TABLE 88: PERMANENT TOTAL DISABILITY, MAXIMUM WEEKLY PAYMENTS, BY STATES

No Limit	\$21.00	\$20.85	\$20.00	\$19.00	\$18.75	\$18.20	\$18.00	\$17.00	\$16.00	\$15.00	\$14.00	\$13.20	\$12.00	States Not Using Weekly Basis for Payments
1 Arizona	1 C o n - n e c t - c u t	1 C a l i f o r - n i a	6 L o u i s i - a n a ¹ M i n n e - s o t a ¹ M i s s o u r i ¹ N e w Y o r k ¹ N o r t h D a - k o t a T e x a s	1 I l l i - n o i s ¹	1 O h i o	1 W i s c o n - s i n ¹	3 ¹ M a i n e M a r y - l a n d O k l a - h o m a	1 N e w J e r s e y ¹	5 I d a h o ² M a s s - a c h u - s e t t s R h o d e I s l a n d U t a h W e s t V i r - g i n i a	11 A l a b a m a ³ D e l a w a r e G e o r g i a I o w a K a n s a s K e n - t u c k y M o n t a n a N e b r a s k a N e w H a m p - s h i r e S o u t h D a k o t a V e r m o n t	1 M i c h i - g a n	1 I n d i a n a	5 C o l o r a d o N e w M e x i c o P e n n - s y l v a n i a T e n n e s - s e e ⁴ V i r g i n i a	4 N e v a d a ⁵ O r e g o n ⁶ W a s h - i n g - t o n ⁷ W y o - m i n g ⁸

¹ Employees undergoing vocational rehabilitation entitled to additional weekly payments.

² Varies from \$14.00 to \$19.00, according to number of children.

³ Varies from \$12.00 to \$16.00, according to marital condition.

⁴ Varies from \$12.00 to \$15.00, according to number of children.

⁵ \$60.00 monthly maximum; \$30.00 per month extra if employee needs constant attendant.

⁶ \$30.00 monthly for an unmarried person, and up.

⁷ \$20.00 monthly for a woman with a husband not an invalid, and up. If services of constant attendant are required compensation increased \$25.00 per month.

⁸ \$4,000 in a lump sum plus \$120 per year for each son under 16 and each daughter under 18; maximum aggregate additional sum for children \$4,000.

⁹ Varies from \$12.00 to \$15.00, according to a conflicting section.

TABLE 89: PERMANENT TOTAL DISABILITY, MAXIMUM PERCENTAGE OF WEEKLY WAGES, BY STATES

No Limit	66½%	65%	60%	55%	50%	States Not Using Weekly Percentage Basis
Idaho ¹	12 Maine Maryland Massachusetts Minnesota Missouri Nebraska New Jersey New York North Dakota Ohio Oklahoma West Virginia	6 Arizona California ² Illinois ³ Kentucky Louisiana Wisconsin	7 Alabama ⁴ Iowa Kansas Michigan Pennsylvania Texas Utah ⁵	2 Indiana South Dakota	11 Colorado Connecticut Delaware Georgia Montana New Hampshire New Mexico Rhode Island Tennessee Vermont Virginia	4 Nevada ⁶ Oregon Washington Wyoming

¹ From 55% up; if employee has wife, 60%, plus 5% for each minor child; limit on weekly maximum \$16.00.

² After 240 weeks rate reduced to 40%.

³ Varies from 50% to 65%, according to number of children.

⁴ Varies from 50% to 60%, according to number of children.

⁵ After first 5 years rate reduced to 45%.

⁶ 60% of monthly wage.

TABLE 90: PERMANENT TOTAL DISABILITY, MAXIMUM AGGREGATE PAYMENTS, BY STATES

No Limit		\$10,000	\$8,000	\$7,000	\$6,000	\$5,000	\$4,500	\$4,000	\$3,000	Not Specified ¹
Arizona	15									
California	Nevada	1	1	1	2	7	1	3	1	11
Colorado	New York	Minnesota	Wyoming ²	Michigan	Kentucky ⁴	Alabama	Virginia	Delaware	South Da-	Connecticut
Idaho	North Dakota				Maine	Georgia		Massachu-	kota ⁶	Iowa
Illinois ⁵	Ohio					Indiana		setts ⁶		Kansas
Missouri	Oregon					Maryland		Vermont		Louisiana
Nebraska	Utah					Pennsyl-				Montana
West Virginia	Washington					vania				New Hamp-
						Rhode Island				shire
						Tennessee				New Jersey
										New Mexico
										Oklahoma
										Texas
										Wisconsin ⁷

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¹ Maximum payments limited by weekly maximum and maximum number of weeks.

² After amount paid equals full death benefit, \$3,750-\$4,350, life pension equal to 8% of full death benefit, annually.

³ Lump sum \$4,000, plus \$4,000 maximum for children.

⁴ Amount for partial disability deducted if immediately preceding total disability.

⁵ Exclusive of specific amount payable for dismemberment or loss of use.

⁶ Or amount of death benefit payable to widow or child.

⁷ Maximum varies according to age of injured employee.

TABLE 91: PERMANENT TOTAL DISABILITY, MAXIMUM DURATION OF PAYMENTS, BY STATES

No Limit	1000 Weeks	550 Weeks	520 Weeks	500 Weeks	475 Weeks	8 Years	400 Weeks	350 Weeks	300 Weeks	260 Weeks	Not Specified ¹¹	Lump Sum	
Arizona California ¹ Colorado Idaho ² Illinois ³ Missouri ⁴ Nebraska ⁵ West Virginia	15 Nevada New York North Dakota Ohio ⁶ Oregon Utah Washington	1 Wisconsin ⁷	2 Ala- bama ⁸ Tenna- see ⁹	2 Con- necti- cut New Mexico	9 Indi- ana Maine Massa- chu- setts Michi- gan Mon- tana ¹⁰ Okla- homa Pennsyl- vania ¹⁰ Rhode Island Virginia	1 Dela- ware	2 Kansas Ken- tucky ¹⁰	4 Iowa Louisi- ana New Jersey Texas	1 Georgia	1 New Hamp- shire	1 Ver- mont ¹⁰	3 Mary- land Minne- sota South Dakota	1 Wyo- ming

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¹ After 240 weeks, rate reduced to 40%.
² After 400 weeks, \$6.00 per week.
³ After amount paid equals full death benefit, \$3,750-\$4,350, a pension for life of 8% of total previous payments.
⁴ After 300 weeks, 25% of average annual earnings for life.
⁵ After 300 weeks, 45% of wages for life, maximum \$12.00 weekly.
⁶ After 5 years, 45% of wages for life.
⁷ Varies from 280 to 1,000 weeks depending on age of injured employee.
⁸ After 400 weeks, \$5.00 per week for 150 weeks in certain cases.
⁹ From date of injury.
¹⁰ Period for partial disability deducted if immediately preceding total disability.
¹¹ Period limited by aggregate maximum payment and weekly maximum.

TABLE 92: PERMANENT PARTIAL DISABILITY, MAXIMUM WEEKLY PAYMENTS, BY STATES, CASES OTHER THAN DISMEMBERMENT OR LOSS OF USE

No Limit	\$21.00	\$20.83	\$20.00	\$19.00	\$18.75	\$18.20	\$18.00	\$17.00	\$16.00	\$15.00	\$14.00	\$12.00	\$10.00	\$7.50	Payments in Proportion to Degree of Disability	States Not Using Weekly Basis for Payments
1 Arizona	1 Connecticut	1 California	6 Louisiana Minnesota Missouri New York North Dakota Texas	1 Illinois ^a	1 Ohio	1 Wisconsin ¹	3 Maine Maryland Oklahoma	1 New Jersey	4 Idaho ^b Massachusetts Utah West Virginia	5 Alabama ^c Delaware Nebraska New Hampshire South Dakota	1 Michigan	6 Colorado Georgia Kansas Pennsylvania Tennessee Virginia	2 Rhode Island Vermont	1 Montana	4 Indiana Iowa Kentucky New Mexico	4 Nevada ^d Oregon ^e Washington ^f Wyoming ^g

¹ Employees undergoing vocational rehabilitation entitled to receive additional weekly payments.

² Varies from \$14.00 to \$19.00, according to number of children.

³ Varies from \$12.00 to \$16.00, according to marital condition.

⁴ Varies from \$12.00 to \$15.00, according to number of children.

⁵ Percentage of partial disability to total disability determined;

50% of wages, maximum \$60.00 per month for one month represents 1% of disability.

⁶ \$25.00 monthly for certain periods in addition to temporary total or temporary partial payments.

⁷ Sums proportionate to degree of disability, maximum \$24.00.

⁸ Sums proportionate to degree of disability, varying from \$150 to \$1,000.

TABLE 93: PERMANENT PARTIAL DISABILITY, MAXIMUM PERCENTAGE OF WEEKLY WAGE, BY STATES, CASES OTHER THAN DISMEMBERMENT OR LOSS OF USE

No Limit	66½%	65%	60%	55%	50%	Percentage in Proportion to Degree of Disability	States Not Using Weekly Percentage Basis
Idaho ¹	11 Maine Massachusetts Minnesota Missouri Nebraska New Jersey ² New York North Dakota ³ Ohio Oklahoma West Virginia ⁴	3 California ⁵ Illinois ⁶ Louisiana	6 Alabama ⁷ Kansas Michigan Pennsylvania Texas Utah	1 Arizona	11 Connecticut Delaware Georgia Maryland Montana New Hampshire Rhode Island South Dakota Tennessee Vermont Virginia	6 Colorado Indiana Iowa Kentucky New Mexico Wisconsin ⁸	4 Nevada ⁹ Oregon Washington Wyoming

¹ From 55% up; if employee has wife, 60% plus 5% for each minor child; limit on weekly maximum, \$16.00.

² Percentage of wages not of wage loss.

³ Compensation depending on percentage of disability to be computed in accordance with fixed schedule.

⁴ Disabilities 70% for period; thereafter 1% of wages for each 1% of disability in excess of 60%.

⁵ Varies from 50% to 65%, according to number of children.

⁶ Varies from 50% to 60%, according to number of children.

⁷ Such proportion of weekly compensation for total disability as actual wage loss bears to average weekly wage at time of injury.

⁸ Percentage of partial disability to total disability is determined; monthly payments of 50% of wages represents 1% of disability.

⁹ Commission may grant payments, in addition to compensation, for maintenance during rehabilitation; maximum weekly amount \$10.00; maximum period 20 weeks.

TABLE 94: PERMANENT PARTIAL DISABILITY, MAXIMUM AGGREGATE PAYMENTS, BY STATES, CASES OTHER THAN DISMEMBERMENT OR LOSS OF USE

No Limits	\$5,000	\$4,500	\$4,350	\$4,000	\$3,750	\$3,120	\$3,000	\$2,400	\$1,500	Not Specified ¹	
5	3	1	1	2	1	1	1	1	1	26	
Arizona California Nevada New York West Virginia	Alabama Indiana Utah	Virginia	Illinois ²	Kentucky ³ Massachusetts ⁴	Ohio ⁵	Colorado ⁶	Maryland	Washington	Wyoming	Connecticut Delaware Georgia Idaho Iowa Kansas Louisiana Maine Michigan Minnesota Missouri Montana Nebraska	New Hampshire New Jersey New Mexico North Dakota ⁶ Oklahoma Oregon Pennsylvania Rhode Island South Dakota ⁶ Tennessee Texas Vermont Wisconsin ⁷

¹ Maximum payments limited by weekly maximum and maximum number of weeks.

² Varies from \$3,750 to \$4,350 or full death benefit.

³ Amount for total disability deducted if immediately preceding partial disability.

⁴ Exclusive of specific amount payable for dismemberment or loss of use.

⁵ In addition to compensation for temporary total disability, if any.

⁶ In lieu of other compensation.

⁷ Proportionate to indemnity for permanent total disability as the nature of the injury bears to one causing permanent total disability.

TABLE 95: PERMANENT PARTIAL DISABILITY, MAXIMUM PERIODS FOR DURATION OF PAYMENTS, BY STATES, CASES OTHER THAN DISMEMBERMENT OR LOSS OF USE

No Limits	520 Weeks	500 Weeks	468 Weeks	416 Weeks	400 Weeks	335 Weeks	312 Weeks	300 Weeks	285 Weeks	260 Weeks	150 Weeks	Not Specified	Lump Sum
4	1	3	1	3	1	1	2	13	1	1	3	7	2
Arizona California ¹ New York West Virginia ²	Connecticut	Indiana Michigan New Jersey	North Dakota ³	Illinois Kansas Oregon ⁴	Missouri	Kentucky	South Dakota Utah ⁵	Alabama Georgia Louisiana Maine Minnesota Nebraska New Hampshire Oklahoma Pennsylvania ⁶ Rhode Island Tennessee Texas ⁷ Virginia	Delaware	Vermont ⁸	Idaho Montana New Mexico	Colorado ⁹ Iowa ⁹ Maryland ⁹ Massachusetts ⁹ Nevada Ohio ⁹ Wisconsin ⁹	Washington Wyoming

¹ Disabilities of 70% or over, 65% of wages for 240 weeks and thereafter a life pension of 1% of wages for each 1% of disability in excess of 60%. Account taken of nature of physical impairment, occupation and age of employee.

² Disability over 85%, 66⅔% of weekly wages for life.

³ Age and occupation taken into account in determining percentage of disability. In lieu of other compensation.

⁴ Computed from 96 months.

⁵ Period for temporary total disability deducted if immediately preceding permanent partial disability.

⁶ Period of compensation for total and partial disabilities not to exceed 400 weeks.

⁷ Period limited by aggregate maximum payment and weekly maximum.

⁸ Disability period is estimated as percentage of permanent total.

⁹ Payments to be such proportion of indemnity for permanent total as nature of injury bears to one causing permanent total. Period varies from 280 to 1,000 weeks according to age of employee.

TABLE 96: TEMPORARY TOTAL DISABILITY, MAXIMUM WEEKLY PAYMENTS, BY STATES

No Limit	\$21.00	\$20.83	\$20.00	\$19.00	\$18.75	\$18.20	\$18.00	\$17.00	\$16.00	\$15.00	\$14.00	\$13.20	\$12.00	States Not Using Weekly Basis for Payments
1 Arizona ¹	1 Connecticut	1 California	6 Louisiana Minnesota Missouri New York North Dakota Texas	1 Illinois ²	1 Ohio	1 Wisconsin	3 Maine Maryland Oklahoma	1 New Jersey	5 Idaho ³ Massachusetts Rhode Island Utah West Virginia	11 Alabama ⁴ Delaware Georgia Iowa Kansas Kentucky Montana Nebraska New Hampshire South Dakota Vermont	1 Michigan	1 Indiana	5 Colorado New Mexico Pennsylvania Tennessee Virginia	4 Nevada ⁵ Oregon ⁶ Washington ⁷ Wyoming ⁸

¹ Additional allowance of \$10.00 per month for total dependents.

² Varies from \$14.00 to \$19.00, according to number of children.

³ Varies from \$12.00 to \$16.00, according to marital condition.

⁴ Varies from \$12.00 to \$15.00, according to number of children.

⁵ \$72.00 per month, maximum; \$10.00 per month additional is

allowed in all cases if there are total dependents residing in the United States.

⁶ \$97.00 per month, maximum.

⁷ Varies from \$22.50 up, for a wife with a husband not an invalid.

⁸ Varies from \$50.00 to \$90.00 per month, according to marital condition.

TABLE 97: TEMPORARY TOTAL DISABILITY, MAXIMUM PERCENTAGE OF WEEKLY WAGES, BY STATES

No Limit	66 $\frac{2}{3}$ %	65%	60%	55%	50%	States Not Using Weekly Percentage Basis
1 Idaho ¹	12 Maine Maryland Massachusetts Minnesota Missouri Nebraska New Jersey New York North Dakota Ohio Oklahoma West Virginia	6 Arizona California Illinois ² Kentucky Louisiana Wisconsin	7 Alabama ³ Iowa Kansas Michigan Pennsylvania Texas Utah	2 Indiana South Dakota	11 Colorado Connecticut Delaware Georgia Montana New Hampshire New Mexico Rhode Island Tennessee Vermont Virginia	4 Nevada ⁴ Oregon ⁵ Washington Wyoming

¹ From 55% up, 60% if employee has wife, plus 5% for each minor child; limit on weekly maximum, \$16.00.

² Varies from 50% to 65%, according to number of children.

³ Varies from 50% to 60%, according to number of children.

⁴ 60% of monthly wage.

⁵ Varies from 40% to 66 $\frac{2}{3}$ % of monthly wage.

TABLE 98: TEMPORARY TOTAL DISABILITY, MAXIMUM AGGREGATE PAYMENTS, BY STATES

No Limits	\$8,000	\$7,200	\$7,000	\$6,000	\$5,000	\$4,500	\$4,350	\$4,000	\$3,750	\$3,500	Not Specified ¹
5 Colorado Idaho North Dakota Oregon Washing- ton	1 Wyo- ming ²	1 Nevada	1 Michi- gan	2 K e n - tucky ³ Maine	7 Alabama Califor- nia ⁴ Georgia Indiana Pennsyl- vania R h o d e Island Utah	1 Virginia	1 Illinois ⁵	1 Massa- chusetts	2 Mary- land Ohio	1 New York	20 Arizona New Hamp- shire Connecticut New Jersey Delaware New Mexico Iowa Oklahoma Oklahoma South Dakota Louisiana Tennessee Minnesota Texas Montana Vermont Missouri West Virginia Nebraska Wisconsin ⁶

¹ Maximum payments limited by weekly maximum and maximum number of weeks.

² Equal to amount payable for permanent disability under like circumstances.

³ Compensation for partial disability deducted if immediately preceding total disability.

⁴ Three times average annual earnings.

⁵ Varies from \$3,750 to \$4,350.

⁶ Four times average annual earnings.

TABLE 99: TEMPORARY TOTAL DISABILITY, MAXIMUM DURATION OF PAYMENTS, BY STATES

No Limits	520 Weeks	500 Weeks	475 Weeks	100 Months	416 Weeks	400 Weeks	350 Weeks	312 Weeks	300 Weeks	260 Weeks	240 Weeks	78 Weeks	Not Specified
5 Colorado Idaho ¹ North Dakota Oregon Washington	2 Connecticut New Mexico	7 Indiana Maine Massachusetts Michigan Pennsylvania ² Rhode Island Virginia	1 Delaware	2 Arizona Nevada	3 Illinois Kansas Kentucky ³	2 Missouri Texas	1 Georgia	4 Maryland Ohio South Dakota Utah	10 Alabama Iowa Louisiana Minnesota Montana Nebraska ⁴ New Hampshire New Jersey Oklahoma Tennessee	1 Vermont	1 California	1 West Virginia	3 New York ⁴ Wisconsin ⁴ Wyoming ⁴

¹ After 400 weeks, \$6.00 per week during continuance.

² Period for partial disability deducted if immediately preceding total disability.

³ From the date of injury.

⁴ Period limited by aggregate maximum payment and weekly maximum.

⁵ Period limited by monthly maximum and total amount for permanent disability.

TABLE 100: ADMINISTRATION OF COMPENSATION LAWS, BY STATES

State	Administered by	How Claims Are Settled		
		Undisputed Cases	Disputed Cases	Cases Which May Be Reviewed
Alabama.....	Courts. Supervised in some respects by Superintendent of Insurance.	By agreement.	Either party may submit controversy to circuit courts for hearing and decision in a summary manner; if wilful misconduct is pleaded, either party may demand a jury trial.	
Arizona.....	Industrial Commission.	By rules and regulations adopted and published by commission.		
California.....	Industrial Accident Commission for the Division of Workmen's Compensation Insurance and Safety of the Department of Labor and Industrial Relations.	By agreement, subject to approval of commission.	By commission upon application in person or by attorney or representative.	Referee's findings subject to review by commission. Within 20 days after final decision of commission, either party may apply for rehearing upon certain ground.
Colorado.....	Industrial Commission.	By agreement and reported to commission.	By commission or referee upon motion of commission or of any party in interest.	Any party dissatisfied may petition for review by referee.
Connecticut....	Five district compensation commissioners.	By written agreement, approved by commissioner, not before end of waiting period.	By a hearing and award by the commissioner.	Those involving a doubtful question of the law by a superior court.
Delaware.....	Industrial Accident Board.	By agreement, subject to approval of Board.	By board after hearing.	
Georgia.....	Industrial Commissioner.	By agreement, after 14 days from injury, or any time in case of death, subject to approval of commission.	By commission or a member upon application.	Award by member of commission subject to review by full commission upon application within 7 days from notice of award.
Idaho.....	Industrial Accident Board.	By agreement, subject to approval of Board.	Upon Board's own motion or of any party; case heard by member of Board.	Upon application of either party, within 30 days after decision, decision reviewed by Board.

Illinois.....	Industrial Commission.	By agreement, not before 7 days after injury.	By arbitrator, or in case of permanent disability or death, an arbitration committee.	Decisions subject to review by commission upon petition within 15 days after notice.
Indiana.....	Industrial Board.	By agreement, subject to approval by Board after 7 days from injury.	By Board upon application of either party.	Upon application subject to review by full Board.
Iowa.....	Industrial Commissioner.	By agreement, subject to approval of commissioner not before 12 days after injury.	By arbitration board.	Decisions of board subject to review by commissioner.
Kansas.....	Courts. Supervised to some extent by Superintendent of Insurance.	By agreement.	By arbitration committee or arbitrator or by action in court without a jury unless demanded.	
Kentucky.....	Workmen's Compensation Board.	By agreement, subject to approval by Board.	By Board or member thereof or authorized referee.	If first hearing not before full Board, application for review within 7 days after award.
Louisiana.....	No provision.	By agreement in writing, subject to approval of court.	Determined by court having jurisdiction, after a formal hearing.	
Maine.....	Industrial Accident Commission.	By agreement, subject to approval of commission.	Upon petition of either party, by Chairman or associate legal member of commission, after hearing.	
Maryland.....	State Industrial Accident Commission.	By commission.	By an arbitration committee appointed by commission.	
Massachusetts..	Department of Industrial Accidents.	By agreement, subject to approval of the department.	Either party may notify department; case heard by member of department.	Member's decision subject to review by Reviewing Board, consisting of five members of department.
Michigan.....	Department of Labor and Industry under a commission of 3 members.	By agreement subject to approval of commission.	By member or deputy member of commission acting as committee of arbitration.	Subject to review by commission.
Minnesota.....	Industrial Commission.	Duty of employers to pay compensation according to terms of act without agreement or order.	Referred, upon petition of either party, to commission for hearing or to be assigned to a commissioner or referee for determination.	Subject to review and appeal to courts.

NOTE: Based on F. Robertson Jones' "Digest of Workmen's Compensation Laws," Ninth Edition.

TABLE 100: ADMINISTRATION OF COMPENSATION LAWS, BY STATES—(Continued)

State	Administered by	How Claims Are Settled		
		Undisputed Cases	Disputed Cases	Cases Which May Be Reviewed
Missouri	Workmen's Compensation Commission.	By agreement, after 7 days from date of injury or death, subject to approval of commission.	By hearing before commission in summary manner upon petition of either party.	Award by any one member subject to review by full commission.
Montana	Industrial Accident Board.	By compromises approved by Board or made by Board.	By the Board, subject to rehearing on certain specified grounds.	
Nebraska	Compensation Commissioner.	By agreement, in accordance with Act.	Submitted to commissioner.	
Nevada	Nevada Industrial Commission.	By reasonable and proper rules adopted by commission.		
New Hampshire.	By courts; supervised partially by Commissioner of Labor.	By agreement or by action in equity, brought in Superior Court.		
370 New Jersey	Workmen's Compensation Bureau of Department of Labor.	By agreement, subject to approval of bureau.	If no agreement within 21 days after injury, claim settled by bureau or member upon petition or on its own motion.	
New Mexico	To some extent by District Court.	By agreement, subject to approval of District Court.	By trial in District Court upon motion of either party.	
New York	Industrial Commissioner, claims settled by Industrial Board of 5 members.	By hearing, upon application of either party, before a referee.	By a hearing by Board.	
North Dakota	Workmen's Compensation Bureau of Department of Agriculture and Labor.	All claims presented to bureau, which has full power.		
Ohio	Industrial Commission.	Commission determines all questions within its jurisdiction.	If claim is rejected on jurisdictional grounds, claimant may within 30 days apply for rehearing by commission.	
Oklahoma	State Industrial Commission.	By agreement, after first 5 days of disability, subject to approval by commission.	By commission or by arbitration committee upon application of either party.	

Oregon.....	State Industrial Accident Commission.	Solely by commission.	Solely by commission.	Rehearing upon application made within 60 days after service of award or decision.
Pennsylvania...	Bureau of Workmen's Compensation of Department of Labor and Industry under supervision of Workmen's Compensation Board.	By written agreement, on or after 10th day from date of accident, subject to approval of Board.	By hearing by Board or a referee except where the amount is in dispute or where the petition is for commutation of future payments.	
Rhode Island...	Commissioner of Labor.	By agreement, subject to approval by commissioner.	Upon petition of either party by Superior Court in summary manner.	
South Dakota...	Industrial Commissioner.	By agreement, subject to approval of commissioner.	By board of arbitration or by commissioner if parties waive right.	Award subject to review by commissioner.
Tennessee.....	Supervised partially by Department of Labor or and by Commissioner of Insurance and Banking.	By agreement, subject to approval of Circuit Court Judge.	By Judge or Chairman of County Court upon petition of either party.	
Texas.....	Industrial Accident Board.	By agreement.	By Board.	
Utah.....	Industrial Commission.	Commission has full power to hear and determine questions.		
Vermont.....	Commissioner of Industries.	By agreement, subject to approval by commissioner.	By commissioner, upon petition of either party for hearing, with award made within 6 months from date of hearing.	
Virginia.....	Industrial Commission.	By agreement, after 10 days from date of injury, or any time after death, subject to approval of commission.	By commission or any member thereof, upon application of either party.	Award by one member subject to review by full commission upon application within 7 days from date thereof.
Washington....	Director of Labor and Industries through Division of Industrial Insurance.	Division of Industrial Insurance determines all questions.		
West Virginia...	State Compensation Commissioner.	Commissioner has full power to determine all questions.		
Wisconsin.....	Industrial Commission.	By agreement or compromise, subject to review by commission within one year.	By commission upon written application of either party.	
Wyoming.....	Courts.	Fixed by Judge of District Court.	By Judge of District Court after a hearing; right of jury trial in certain cases.	

TABLE 101: PROVISIONS FOR COMPUTATION OF PAYMENTS,
BY STATES

	Time Elapsing before Commutation Allowed	Commission or Board to Allow Lump Sum or Sums	Interest Not Specified	Interest Specified
Alabama .....	..	On approval of Court	..	6%
Arizona .....	..	Comm. max. \$6,500	Not specified	..
California .....	..	Commission	..	6% ¹
Colorado	Six months from date of injury	Commission	..	4%
Connecticut .....	..	Commissioner	Discount due	..
Delaware .....	..	Ind. Accident Board	..	5%
Georgia	Not before 26 weeks' compen- sation has been paid	Commission	..	5%
Idaho .....	..	Ind. Accident Board	..	4%
Illinois	Six months in total disabil- ity cases	Board	..	3%
Indiana	After 26 weeks' compensation has been paid	Board	..	3%
Iowa .....	..	District Court	..	5% ²
Kansas	After 6 months' compensation has been paid	Sum equal to 80% amount due ²	..	..
Kentucky	After 6 months' payments	..	..	5%
Louisiana .....	..	Approved by Court	..	8%
Maine	After 6 months' compensation has been paid	Commissioner	..	5%
Maryland .....	..	Commission ⁴	Not specified	..
Massachusetts	After 6 months' weekly pay- ments	..	Not specified	..
Michigan	After 6 months' payments	Board	..	5%
Minnesota .....	..	Court	..	6%
Missouri .....	..	Commission	..	4%
Montana .....	..	Board	..	5%
Nebraska .....	..	Board	..	5%
Nevada .....	..	Comm. max. \$5,000	Not specified	..
New Hampshire .....	..	Court	Not specified	..
New Jersey .....	..	Bureau	..	5%
New Mexico .....	..	Court	Not specified	..
New York .....	..	Commission	..	3 1/2% ³
North Dakota .....	..	Bureau	..	4%
Ohio .....	..	Board	Not specified	..
Oklahoma .....	..	Commission	Not specified	..
Oregon .....	..	Commission	..	4%
Pennsylvania .....	..	Board	..	5%

¹ In cases of death or permanent disability.

² Where period of compensation is definite.

³ Does not apply to fatal cases.

⁴ In all cases except temporary disability.

NOTE: Based on National Bureau of Casualty and Surety Underwriters, "Digest of Workmen's Compensation Laws."

TABLE 101: PROVISIONS FOR COMPUTATION OF PAYMENTS,
BY STATES--(Continued)

	Time Elapsing before Computation Allowed	Commission or Board to Allow Lump Sum or Sums	Interest Not Specified	Interest Specified
Rhode Island....	After 6 months' payment	Court	..	5%
South Dakota...	Six months from injury	Commissioner	..	5%
Tennessee.....	..	Court	..	6%
Texas.....	..	Board ¹	..	Legal rate
Utah.....	..	Commission Board	Not specified	4%
Vermont.....	..	Commission	Not specified	..
Virginia.....	After 6 weeks' payment	Commission	Not specified	..
Washington.....	..	Div. of Ind. Insurance	Not specified	..
West Virginia...	..	Commissioner	Not specified	..
Wisconsin.....	Six months from injury	Commissioner	..	3%
Wyoming.....	..	Courts	Not specified	..

TABLE 102: SPECIAL PROVISIONS FOR HERNIA, BY STATES

Alabama.....	..	Compensated if result of an accident, and if injured, being physically fit, submits to surgical operation.
Arizona.....	..	If result of accident, compensated on basis of temporary total or permanent partial disability. Disability due to aggravation of a pre-existing hernia compensated for a period not to exceed two months.
California.....	None	If disability is due wholly or partially to the employment, the Commission holds the employer responsible accordingly.
Colorado.....	..	Compensated if direct result of accidental strain. Maximum operating fee \$50. No compensation for hernia resulting in strangulation where operation has been refused. In case of operation, medical aid is provided under the general provisions, irrespective of time limit.
Connecticut....	None	
Delaware.....	None	
Georgia.....	..	Compensated if result of accident and if injured submits to operation unless physically unfit.
Idaho.....	..	Compensated.
Illinois.....	..	Compensated if proved to be result of accidental strain.
Indiana.....	None	
Iowa.....	None	
Kansas.....	None	
Kentucky.....	..	If injured undergoes operation, compensation is paid for actual period of disability. If physically fit and refuses operation, compensation allowed for not exceeding one year; if physically unfit, compensation under general provisions.
Louisiana.....	..	Compensated if direct result of accidental strain. If employee refuses to submit to operation, truss or other necessary appliance must be furnished and compensation paid for 26 weeks after accident; if employee submits to operation, medical and surgical expense is payable under general provisions for medical aid, and compensation for disability is payable for a period not to exceed 26 weeks if operation is successful.

NOTE: Based on National Bureau of Casualty and Surety Underwriters, "Digest of Workmen's Compensation Laws."

TABLE 102: SPECIAL PROVISIONS FOR HERNIA, BY STATES
—(Continued)

Maine.....	None	
Maryland.....	None	
Massachusetts...	None	
Michigan.....	None	
Minnesota.....	None	
Montana.....	..	Compensated if direct result of accidental strain. Maximum operating fee, \$50. No compensation for hernia resulting in strangulation where operation has been refused.
Nebraska.....	None	
Nevada.....	..	Commission has ruled that time loss or decrease in earning capacity resulting from hernia due to accident, or the aggravation of a pre-existing hernia may be compensated.
New Hampshire.....	None	
New Jersey.....	..	If result of accident and employee submits to operation, medical aid maximum \$150 and compensation for actual period of disability; if refuses operation, reasonable cost of truss or other appliance and compensation for twenty weeks.
New Mexico.....	..	Maximum operating fee \$75.
New York.....	None	
North Dakota.....	None	
Ohio.....	None	
Oklahoma.....	..	Compensation for eight weeks and cost of operation, but in case hernia results in permanent total, compensation is payable for such disability.
Oregon.....	..	If proven to be the result of injury and employee submits to operation, compensation for temporary total disability is payable for a period of forty-two days. If operation is refused, no benefits are payable.
Pennsylvania.....	None	
Rhode Island.....	None	
South Dakota.....	None	
Tennessee.....	None	
Texas.....	..	If the result of accident, cost of operation and compensation for twenty-six weeks. If the operation is not successful, compensation is payable under general provisions. If employee refuses operation, compensation under general provisions for period not exceeding one year.
Utah.....	None	
Vermont.....	..	50% of wages in lieu of all other benefits except medical. Duration: simple hernia, four weeks; strangulated hernia, eight weeks.
Virginia.....	..	If proved to be result of accident, cost of operation and compensation for temporary total disability. Permanent partial disability is compensated if it follows operation. If employee refuses operation, no compensation is allowed unless he is physically unfit, in which case provisions for partial disability apply.
Washington.....	None	
West Virginia.....	..	Compensation allowed if result of accident and if employee, being physically fit, submits to operation. Death or permanent partial disability resulting from operation considered as due to injury and compensated accordingly.
Wisconsin.....	None	Compensated if caused by work in which employee was engaged.
Wyoming.....	None	

NOTE: Based on National Bureau of Casualty and Surety Underwriters, "Digest of Workmen's Compensation Laws."

TABLE 103: NUMBER OF WEEKS' COMPENSATION ALLOWED FOR LOSS OF OR LOSS OF USE OF EYE, BY STATES, FROM SPECIFIC SCHEDULES

In Lieu of Other Compensation	Number of Weeks
Alabama.....	100
Delaware.....	113
Georgia.....	100
Indiana ¹	150
Iowa.....	100
Kansas.....	110
Kentucky.....	100
Louisiana.....	100
Maine ²	100
Michigan.....	100
Montana.....	100-120 ³
New Mexico.....	100-110 ³
New York ⁴	160
North Dakota.....	130
Oklahoma.....	100
Oregon ⁵	40 months
Pennsylvania.....	125
Tennessee.....	100
Texas.....	100
Virginia.....	100
West Virginia.....	132
Wisconsin.....	280-1,000 ⁶
In Addition to Temporary Total Compensation	
Arizona.....	25-30 months ²
Colorado.....	104-139 ³
Connecticut ¹	104
Idaho.....	100-120 ³
Illinois.....	110
Maryland.....	100
Minnesota ⁴	100
Nebraska.....	125
Nevada.....	25-30 months ²
New Jersey.....	100
Ohio.....	100
South Dakota.....	100
Utah.....	100-120 ³
Vermont.....	100
In Addition to Temporary Total and Permanent Partial Compensation	Number of Weeks
Massachusetts ¹	50
Rhode Island ¹	75
Lump Sums	
Washington.....	\$1,080-\$1,440 ³
Wyoming.....	\$1,500
Based on Percentage of Disability	
California	
No Schedule	
New Hampshire.....	..

¹ Reduction to $\frac{1}{2}$ or less of normal vision equivalent to loss of sight.

² Where two figures are given, the first is for loss of sight, the second for enucleation.

³ If healing period exceeds 20 weeks, additional compensation.

⁴ Lump sum at option of employee.

⁵ Percentage of wages for these periods depends on age of employee.

⁶ If retraining for new occupation is necessary, additional compensation, maximum 25 weeks.