

## WORKERS COMPENSATION COVERAGE EXPOSURES OUTSIDE THE STATE

Tag Anderson, Director RM  
Diane Waliser, Manager RMWCP

### Coverage is Required

- North Dakota law:
    - ND law requires coverage.
    - Extraterritorial application is addressed by statute and administrative rule. NDCC 65-08-01; N.D. Admin. Code 92-01-02-22.
  - Other States:
    - "Significant contacts" test.
    - Varies by jurisdiction.
- 

## Out of State Coverage

- Employment principally localized in North Dakota — temporary and incidental travel that does not exceed 30 days.



## Agency Responsibility

- Determine if out of state coverage is required.
- Reporting Requirements.

[www.nd.gov/risk/files/forms/outofstate.pdf](http://www.nd.gov/risk/files/forms/outofstate.pdf)



## Out of Country Travel

- Current Administrative Rule —  
N.D. Admin. Code 92-01-02-22.1.
- Additional Information.

[www.nd.gov/risk/files/forms/59871-wc\\_out\\_of\\_country.pdf](http://www.nd.gov/risk/files/forms/59871-wc_out_of_country.pdf)

PASSPO

## How to Secure Out of State Coverage

In order for Risk Management to properly secure out of state coverage for your employee the following information **must** be provided to Risk Management as soon as you are aware that an employee will be working out of state for more than 30 days.

- Full name of the employee
- Physical address of the employee's home office
- Physical address of out of state place of employment if not working from home office
- The type of building where the employee's office will be located including number of stories for each building occupied by the employee. If the employee is working out of his home or apartment, the type of building-dwelling, apartment, office building, college or school, etc will need to be reported.
- A brief job description for that employee's position.
- The projected gross annual payroll by job description. (If you have an employee that makes \$50,000 annually but of that amount, only \$10,000 applies to his work in another state, only report the \$10,000 projected payroll for that particular state.) **Include the Unemployment ID (Tax ID)** obtained from the State your employee is working.
- Do not report payroll which an employee earned while working out of state for more than 30 days to Workforce Safety and Insurance (WSI). Only report the wages earned while working in North Dakota to WSI.

