

## Workers' Compensation – State Comparison of Domestic Worker Coverage

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### Overview

This document is a review of state workers' compensation laws related to domestic workers. This review included both types of domestic workers addressed under Washington's workers' compensation laws - individuals privately employed to perform duties in or about a private home and individuals employed to do gardening, maintenance or repair work in or about the private home of the employer.

Two states require workers compensation coverage for domestic workers. Twenty-one states require workers' compensation coverage only when specific conditions are met. Twenty-seven states have voluntary workers compensation coverage only. Where identified, the state definitions for domestic workers are included. If a state had a definition that included duties such as lawn care, gardening, or home repair/maintenance, an asterisk was placed next to the state and the duty was italicized in the definition for comparison purposes. Note that not all states have definitions for domestic workers. Washington State is the only state we identified that fits into two categories – coverage required when specific condition met for individuals privately employed to perform duties in or about a private home and voluntary coverage only for individuals employed to do gardening, maintenance or repair work in or about the private home of the employer.

Also included is information on the way in which an employer can obtain workers compensation coverage when required by law. Those states that offer the ability to self-insure for workers' compensation require the business to apply and all have specific requirements that may include total assets, number of employees, years in business etc. Many states also required a security deposit or surety bond be filed with the state. These requirements likely preclude homeowners from meeting the requirements for self-insurance.

Domestic Worker Coverage	Count of States
Required coverage	2
Coverage required when specific condition met	21
Voluntary coverage only	27

Coverage Condition	Count of States
Based on hours worked by a domestic worker	8
Based on wages paid to a domestic worker	7
Based on employers gross annual payroll	2
Based on the number of domestic workers hired <u>or</u> wages paid to domestic workers	2
Based on the number of domestic workers hired <u>and</u> the hours worked by each domestic worker	2

## Category 1 - Required Coverage for Domestic Workers

State	Requirements	Definition of Domestic Workers
New Hampshire*	Coverage required for all domestic employees through an insurance company authorized to provide comprehensive personal liability, tenants or homeowners insurance.	Definition: "Domestic labor" or "domestic services" means the performance of such duties as housekeeping, childcare, <i>gardening, handy person work</i> , and serving as a companion or caregiver for children or others who are not physically or mentally infirm.
New Jersey	All household employers must obtain coverage through any stock company or mutual association for domestic workers, however filing and notice requirements are exempted.	

## Category 2 - Coverage for Domestic Workers Required When Specific Conditions are Met

### Condition: Hours Worked by a Domestic Worker

This section covers workers compensation requirements based on the hours worked by a domestic worker for a single employer/household.

State	Condition for Coverage	Definition of Domestic Workers & Mechanism for Coverage
Colorado*	Domestic workers who work at least 40 hours per week and five days a week	<p>Definition: Persons who do domestic work or <i>maintenance, repair, remodeling, yard, lawn, tree, or shrub planting or trimming, or similar work</i> about the private home of the employer.</p> <p>Domestic workers include nannies and au pairs.</p>

State	Condition for Coverage	Definition of Domestic Workers & Mechanism for Coverage
		<hr/> <p>Mechanism for Coverage: Option to self-insure or purchase commercial insurance through an insurance carrier.</p> <p>To self-insure an employer must have:</p> <ul style="list-style-type: none"> <li>• Been in business for at least 5 years and; <ul style="list-style-type: none"> <li>○ Have at least 300 full-time employees working in Colorado</li> </ul> </li> </ul> <p><b><i>or</i></b></p> <ul style="list-style-type: none"> <li>○ Have, or have a parent company with, assets of at least \$100 million</li> </ul>
Connecticut	Domestic workers who work at least 26 hours per week	<p>Definition: Includes nannies, maids, housekeepers, butlers, residential companions, and several others.</p> <hr/> <p>Mechanism for Coverage: Option to provide a medical care plan under the Worker’s Compensation Act through insurer, third party administrator, mutual, or to self-insure which requires a security deposit through a surety bond.</p>
Illinois	Domestic workers who work 40 hours or more per week for a period of 13 or more consecutive weeks.	Mechanism for Coverage: Option to self-insure or purchase workers compensation insurance through an insurance company.
Massachusetts	Domestic workers who work at least 16 hours per week	Mechanism for Coverage: Purchase private workers compensation insurance.
Michigan	Domestic workers who work 35 hours or more per week for 13 weeks or longer during the preceding 52 weeks.	Mechanism for Coverage: Option to self-insure, which includes the option to “group self-insure” or purchase private workers compensation insurance.

State	Condition for Coverage	Definition of Domestic Workers & Mechanism for Coverage
		<p>Group self-insure allows multiple small employers which operate the same kind of business can band together to obtain approval for self-insurance as a group. Group self-insurance allows multiple small employers practicing the same business or trade to obtain approval for self-insurance as a group.</p>
New York*	Domestic workers who work at least 40 hours per week.	<p>Definition: Chauffeurs, nannies, home health aides, nurses, babysitters, au pairs, maids, cooks, housekeepers, laundry workers, butlers, companions, and <i>gardeners</i> in a private household</p> <hr/> <p>Mechanism for Coverage: Option to purchase insurance through a private carrier, develop a self-insurance program, or obtain insurance through the State Insurance Fund</p>
South Dakota*	Domestic workers who work 20 hours per week in any calendar week and for more than six weeks in any 13-week period.	<p>Definition: Employees who performs services in or around a home, which pertain to a house, home, household, <i>lawn, garden,</i> or family. Includes baby sitters.</p> <hr/> <p>Mechanism for Coverage: Option to purchase insurance through a “self-insured company.”</p>
Utah*	Domestic workers who work at least 40 hours per week	<p>Definition: Household worker hired by domestic employers such as, but not limited to, a nanny, babysitter, <i>yard worker,</i> driver, health aide, private nurse, housekeeper, caretaker, and cleaning people.</p> <hr/> <p>Mechanism for Coverage: May develop a self-insurance program or purchase through a private carrier.</p>

State	Condition for Coverage	Definition of Domestic Workers & Mechanism for Coverage
		<p>Self-insurance requirements include:</p> <ul style="list-style-type: none"> <li>• Having been in business for at least 5 years</li> <li>• A net worth of at least \$10,000,000</li> <li>• A surety bond or cash deposit to the state treasurer</li> <li>• Excess coverage</li> </ul>

### Condition: Wages Earned by a Domestic Worker

This section covers workers' compensation requirements based on the wages earned by a domestic worker from a single employer/household.

State	Condition for coverage	Definition of Domestic Workers & Mechanism for Coverage
Delaware	Domestic workers who earn at least \$750 in any 3-month period	Mechanism for Coverage: Option to purchase private workers compensation insurance through a corporation, association or organization approved by the Department
Hawaii	Domestic workers who earn at least \$225 during the calendar quarter	Mechanism for Coverage: Option to self-insure, or purchase private workers compensation coverage through any stock, mutual, reciprocal, or other insurer authorized by the state.
Iowa	Domestic workers who earn at least \$1,500 during 12 consecutive months	Mechanism for Coverage: Option to purchase insurance through a private insurance company or qualify as a self-insurer.
Maryland	Domestic workers who earn at least \$1,000 in a calendar quarter	Mechanism for Coverage: Option to purchase workers' compensation insurance from any insurance company licensed to write workers' compensation insurance in the State of Maryland or from the Chesapeake Employers' Insurance Company; or to self-insure.
Minnesota	Domestic workers who earn at least \$1,000 in a 3-month period	Mechanism for Coverage: Option to purchase workers' compensation coverage through an insurance agent or company. If an employer is unable to obtain insurance in the voluntary market, assigned risk-plan

		coverage (sometimes referred to as "assigned risk-pool" insurance) can be obtained.
Ohio*	Domestic workers who earn at least \$160 in any 13-week period	<p>Definition: Includes domestic workers with duties for cooking, <i>gardening</i>, housekeeping, and babysitting</p> <hr/> <p>Mechanism for Coverage: Employers must pay semiannually to the State Insurance Fund or they may self-insure.</p>
Wyoming	Domestic workers who earns at least \$1,000 in each quarter of the preceding calendar year	Mechanism for Coverage: Purchase workers compensation through the State Insurance Fund.

#### Condition: Employer's Gross Annual Payroll

This section covers workers' compensation requirements based on the single employer/household's gross annual wages (wages paid to all employees, not limited to domestic workers).

State	Condition	Notes: Definition of Domestic Workers & Mechanism for Coverage
Kansas	An employer with a payroll exceeding \$20,000 must secure workers' compensation coverage for its employees.	Mechanism for Coverage: Option to purchase workers' compensation insurance coverage through a licensed insurance agent, a group-funded pool or self-insurance.
Oklahoma	An employer with a payroll exceeding \$50,000 must secure workers' compensation coverage for its employees.	Mechanism for Coverage: Option to purchase insurance through a private insurance company or qualify as a self-insurer.

Condition: Based on the number of domestic workers hired or wages paid to domestic workers

State	Condition for coverage	Definition of Domestic Workers & Mechanism for Coverage
California*	<p>In the 90-day period preceding injury, either occur:</p> <p>Employment was, or was contracted to be, at least 52 hours;</p> <p><b><u>Or</u></b></p> <p>Employment was, or was contracted to be, for wages at least \$100.</p>	<p>Definition: Individuals performing services related to the care of persons in private households or <i>maintenance of private households or their premises</i>. Includes childcare providers, caregivers of people with disabilities, sick, convalescing, or elderly persons, house cleaners, housekeepers, maids, and other household occupations.</p> <hr/> <p>Mechanism for Coverage: Coverage may be part of homeowners' insurance; otherwise employer must provide coverage from a private insurer, a self-insurance program, or the State Compensation Insurance Fund.</p>
South Carolina	<p>If domestic worker works for a household that employs 4 or more employees, this includes part time workers;</p> <p><b><u>Or</u></b></p> <p>An employer has an annual payroll of more than \$3,000, regardless of the number of workers employed during that period.</p>	<p>Mechanism for Coverage: Option to purchase workers compensation through a private insurance carrier or through the state's assigned risk program administered by the National Council on Compensation Insurance (NCCI).</p>

Condition: Based on the number of domestic workers hired and hours worked by domestic workers

State	Condition for coverage	Definition of Domestic Workers & Mechanism for Coverage
Kentucky	Two or more domestic workers are regularly employed for 40 or more hours per week.	Mechanism for Coverage: Option to purchase workers' compensation coverage through a private insurance company, a self-insurance group, self-insurance or through Kentucky Employers Mutual Insurance.
Washington	Two or more domestic workers are regularly employed for 40 or more hours per week.	<p>Definition: An individual who is privately employed to perform duties in or about a private home. This includes household duties such as maids, cooks, butlers, housekeepers, nannies, and caretakers</p> <hr/> <p>Mechanism for Coverage: Pay into the state workers' compensation fund, or employers may self-insure.</p> <p><i>See below for voluntary coverage for individuals employed to do gardening, maintenance or repair in or about the private home of the employer.</i></p>

Category 3 - Voluntary Coverage only; 27 states total, sample of state definitions

State	Definition of domestic worker
Montana*	Definition: "household or domestic employment" means employment of persons other than members of the household for the purpose of tending to the aid and comfort of the employer or members of the employer's family, including but not limited to housecleaning and <i>yard work</i> . The term does not include employment beyond the scope of normal household or domestic duties, such as home health care or domiciliary care
Nevada*	Definition: "Domestic service employee" means an employee who performs any household service in or about a private residence or any other location at which a person resides. The term includes, without limitation: Caregivers and other persons who are employed at a residential facility for groups, as defined under Nevada



State	Definition of domestic worker
	law; and companions, babysitters, cooks, waiters, valets, housekeepers, nannies, nurses, janitors, persons employed to launder clothes and linens, caretakers, <i>persons who perform minor repairs</i> , gardeners, home health aides, personal care aides and chauffeurs of automobiles for family use.
Oregon	Definition: “A worker employed as a domestic servant in or about a private home. For the purposes of this subsection “domestic servant” means any worker engaged in household domestic service by private employment contract, including, but not limited to, home health workers.”
Washington*	<p>Definition: Any person employed to do <i>gardening, maintenance or repair</i> in or about the private home of the employer. “Maintenance” means the work of keeping in proper condition. “Repair” means to restore to sound condition after damage.</p> <p><i>See above for conditional coverage for individuals who is privately employed to perform duties in or about a private home.</i></p>