

WASHINGTON USL&H ASSIGNED RISK PLAN

GENERAL GUIDELINES FOR USL&H INSURANCE COVERAGE

The following information is provided as a **general guide** in completion of a WARP application. It is not all inclusive, and therefore **not a substitute for professional sources of information** regarding the U.S. Longshore and Harbor Workers' Compensation Act ("USL&H"). Questions regarding applications for Washington Assigned Risk Plan insurance coverage should be directed to SeaBright Insurance at 206-269-8542. Ask for the Assigned Risk Underwriter.

The federal USL&H law defines the conditions necessary for an employee to fall under the jurisdiction of the Act. The USL&H Act considers what work an employee is doing (STATUS) and where the work is being done (SITUS).

Inclusion under the Act requires the following:

1. That the employee meet the "status" test of being engaged in maritime employment, which includes longshoremen or other persons engaged in longshore operations and harbor workers, including ship repairmen, shipbuilders, shipbreakers, and marine construction employees. This includes employees supporting those operations, such as maintenance and improvements of facilities.
2. That an individual meet the "situs" test by being engaged in maritime employment in whole or in part, upon the navigable waters of the United States (including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other "adjoining area customarily used by an employer in loading, unloading, building, repairing or dismantling a vessel"). Dry-land work anywhere on maritime terminal property will generally meet the situs requirement for USL&H jurisdiction. Courts have also extended USL&H jurisdiction to land-bound locations miles from the water's edge; though not physically adjacent they were deemed "adjoining" because the activity at the location was an integral part of a maritime business.

Except for specific occupations exempted in the federal law, such as clerical workers, all workers at a "USL&H" site are subject to the USL&H Act. The Act is applied such that workers do not move in and out of coverage at a single work location (full day's wages standard).

The USL&H Act also includes provisions for handling uninsured subcontractors. The USL&H Act makes a contractor responsible for the payment of compensation benefits to employees of its uninsured subcontractors. The contractor must furnish satisfactory evidence that any subcontractors have USL&H insurance in force. Without such evidence, the contractor will be charged additional premium.