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Established 1989

Longshore Insurance Coverage Payroll, Mod and Rules August 11, 2015

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Longshore Act - Rules

- Policy Forms
- Split Policies
- Comparison of Premium/rates
- Payroll
- Credits
- Officer & Owner
- NCCI vs. Non-NCCI Modifiers

Longshore Act Intoxication



Section 903 (c)

No compensation shall be payable if the injury was occasioned **solely** by the intoxication of the employee or by the willful intention of the employee to injure or kill himself or another.

Longshore Act Small Vessel Exclusion

Only adjoining area

Barge < 900 tons

Tug, Supply, Fishing < 1600 gross tons

Pre Certification only



Longshore Act Liability for Compensation

Section 4 (A)

Every employer shall be liable for the payment of compensation

If employer is A subcontractor

If they fail to secure the payment of compensation the contractor may be liable for compensation.



Longshore Act

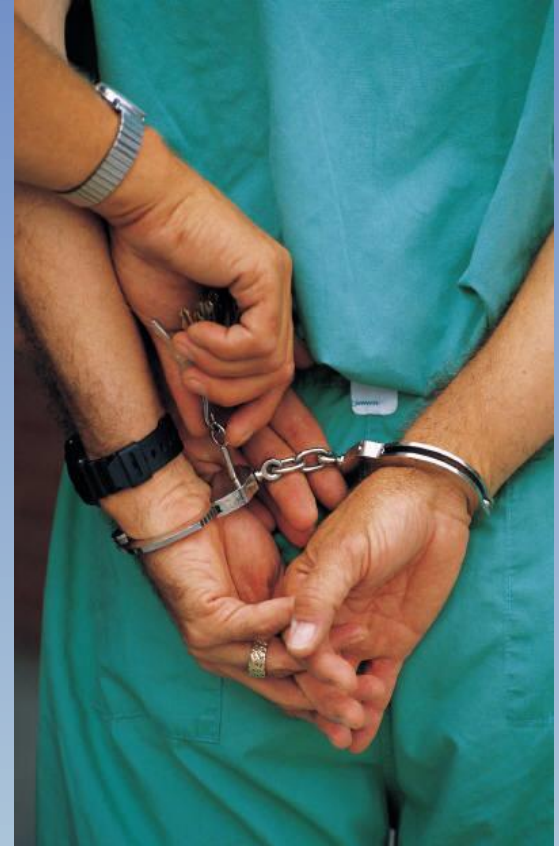
Penalties for Not Carrying Coverage

Fine of not more than \$10,000, or by imprisonment for not more than one year, or by both

Where employer is a corporation, the president, secretary, and treasurer

- Severally liable for such fine or imprisonment

- Severally personally liable for compensation



Longshore Act

Penalties for Not Carrying Coverage

- b) Any employer who knowingly transfers, sells, encumbers, assigns, or in any manner disposes of, conceals, secretes, or destroys any property belonging to such employer, after one of his employees has been injured within the purview of this act, and with intent to avoid the payment of compensation under this act to such employee or his dependents, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than one year, or by both such fine and imprisonment; and in any case where such employer is a corporation, the president, secretary, and treasurer thereof shall be also severally liable to such penalty of imprisonment as well as jointly liable with such corporation for such fine.
- c) This section shall not affect any other liability of the employer under this act.

Section 38(a)

Longshore Act

Security for Compensation

Section 32 (A)

Every employer shall secure the payment of compensation under this act-

By insuring with any stock company or mutual company or association, ...while such person or fund is authorized

- (a) Under the laws of the united states or of any state, to insure workmen's compensation, and
- (b) By the secretary, to insure payment of compensation under this act

<http://www.dol.gov/owcp/dlhwc/lscarrier.htm>

Approx 350 "approved" carriers – how many writing?



Compliance Assistance

Regulatory Library

About DLHWC

Contact Us

Longshore Forms

Office of Workers' Compensation Programs (OWCP)

ESA

OFCCP

Black Lung

Longshore

Energy

Federal Employees' Comp

Division of Longshore and Harbor Workers' Compensation (DLHWC)

DLHWC Carriers

Longshore Authorized Carriers and Self-insured Employers

The tables below show insurance carriers and self-insured employers that are currently authorized to write coverage under the Longshore and Harbor Workers' Compensation Act (LHWCA, depicted under ACTS COVERED as LS) and/or extensions. In very few cases an authorization date under an extension to the LHWCA (extensions include The Defense Base Act (DB), The Outer Continental Shelf Lands Act (OC), The Non-Appropriated Fund Instrumentalities Act (NF) and/or District of Columbia Workers' Compensation Act (DC)) will differ from the date shown.

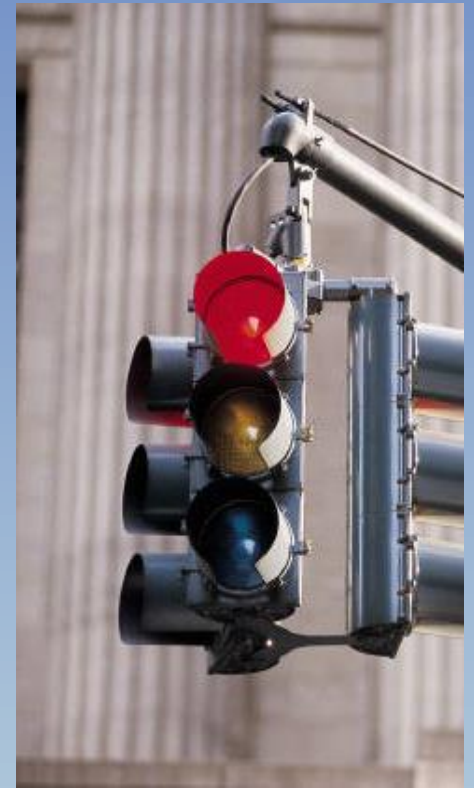
The first table below shows authorized insurance carriers, the second table shows authorized self-insured employers. To find the second table, either scroll down the page or click on [authorized self-insured employers](#).

If there are any questions regarding authorization dates or any other specific information about a carrier/self-insured employer, please contact the Longshore National Office (202) 693-0038.

Authorized Insurance Carriers	Acts Covered	Authorization Date
Acadia Insurance Company	LS	04/01/1995
ACE American Insurance Company	LS OC DB NF DC	10/29/1946
ACE Fire Underwriters Ins. Co.	LS OC DB NF DC	06/16/1966

Longshore Act Cancellation of Coverage

No contract or policy of insurance issued by A carrier under this act shall be canceled prior to the date specified in such contract or policy for its expiration until at least thirty days have lapsed after A notice of cancellation has been sent to the deputy



Longshore Act Coverage Endorsement

WC 00 01 06 A

This endorsement applies only to work subject to the longshore and harbor workers compensation act in a state shown in the schedule. The policy applies to that work as though that state were listed in item 3.A. of the information page.



WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE POLICY

FORM NUMBER
WC-00-01-06A

LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT COVERAGE ENDORSEMENT

This endorsement applies only to work subject to the Longshore and Harbor Workers' Compensation Act in a state shown in the Schedule. The policy applies to that work as though that state were listed in Item 3.A. of the Information Page.

General Section C. Workers Compensation Law is replaced by the following:

C. Workers Compensation Law
Workers Compensation Law means the workers or workmen's compensation law and occupational disease law of each state or territory named in Item 3.A. of the Information Page and the Longshore and Harbor Workers' Compensation Act (33 USC Sections 901-950). It includes any amendments to those laws that are in effect during the policy period. It does not include any other federal workers or workmen's compensation law, other federal occupational disease law or the provisions of any law that provide nonoccupational disability benefits.

Part two (Employers Liability Insurance), C. Exclusions, exclusion 8, does not apply to work subject to the Longshore and Harbor Workers' Compensation Act.

State	Schedule	Longshore and Harbor Workers' Compensation Act Coverage Percentage
Florida		286%

The rates for classifications with code numbers not followed by the letter "F" are rates for work not ordinarily subject to the Longshore and Harbor Workers' Compensation Act. If this policy covers work under such classifications, and if the work is subject to the Longshore and Harbor Workers' Compensation Act, those non-F classification rates will be increased to the Longshore and Harbor Workers' Compensation Act, those non-F Percentage shown in the Schedule.

This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated. (The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

Endorsement No. active
Policy No. Insured
Policy Period Issued on (Ed. 4-92)

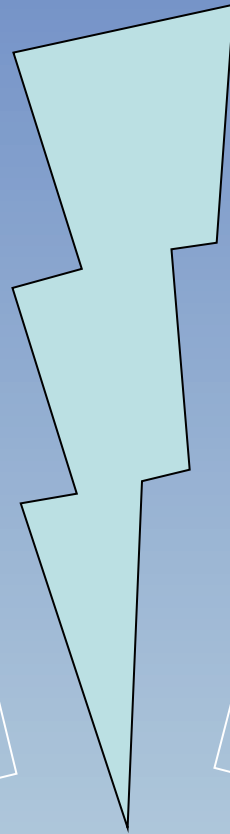
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Counter-signed by _____
Endorsement No. 8

FLORIDA

Longshore Act Split Policies

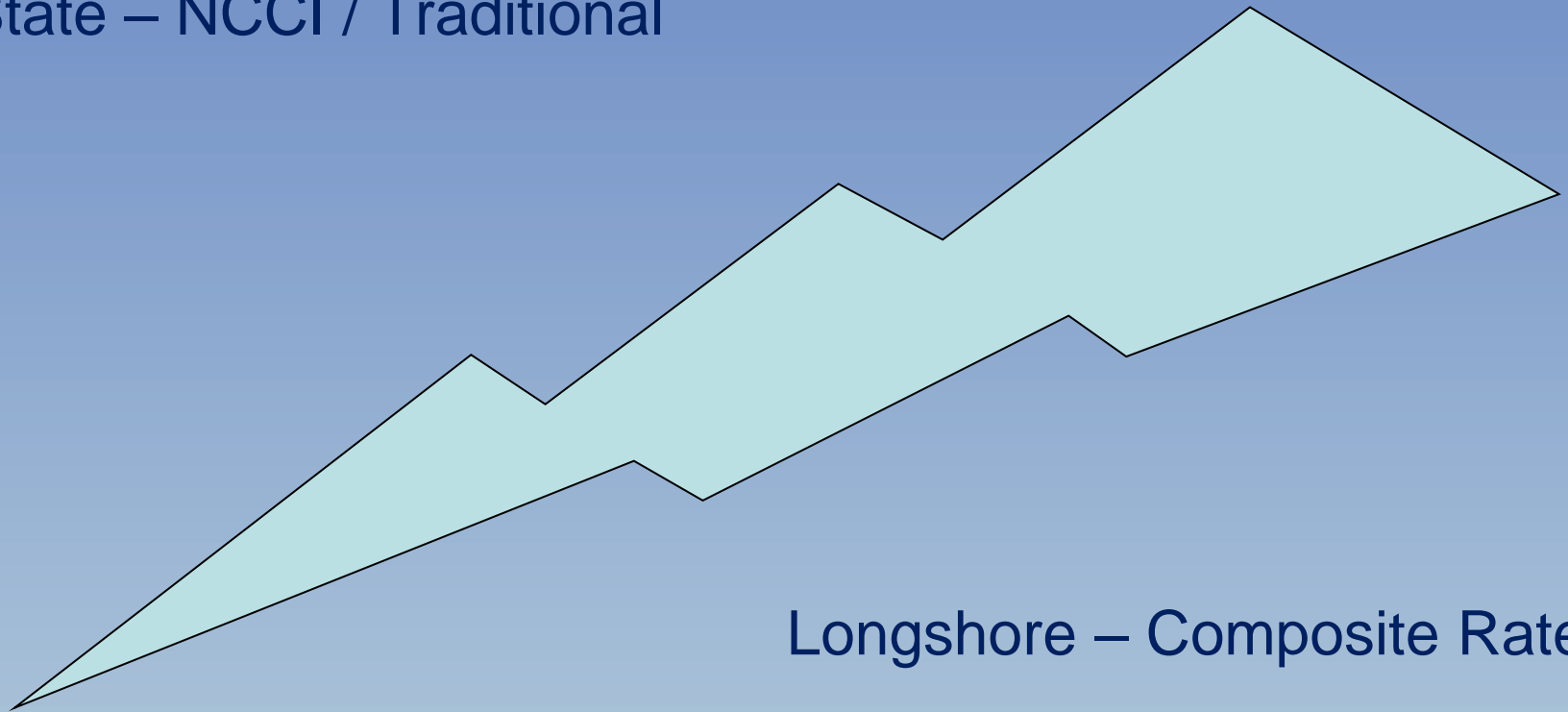
Workers
Comp



USL&H
&
OCSLA

Longshore Act Comparison of Premium / Rates

State – NCCI / Traditional



Longshore Act Payroll

Payroll allocation –

Payroll splitting –

Payroll limitations –

Overtime deductions –

NCCI – yes except stevedores

Others – ???



Longshore Act Credits

Drug

Safety

Contractors

Premium discount



Longshore Act Officer & Owner

Exclusions – No Longshore Duties

Payroll Limits –



Longshore Act

NCCI vs. Non-NCCI Modifiers

Mutual & Surplus lines

Do not report to rating bureau.

Thus Longshore payroll and losses
not in MOD

Washington – none

California - odyssey

Longshore Act

Compare Carrier Options

Typical Structure Review

	Traditional	Surplus Lines	Mutual
Rating	NCCI	Usually Composite	Composite
Reports to NCCI for Mod	Yes	No	No
Policies	WC & USL&H	USL&H Only	USL&H Only
Drug/Safety Credits	Yes	No	No
Assessable	No	No	Yes
Joint & Several Liability	No	No	Yes
"Excluded Remuneration"	Excluded	Varies	Included
DOL Assessments	Included	Included	Additional
Payroll Limits	Applicable	Varies	None
S/L Tax / Fees	No	Per State Rules	? ? ?

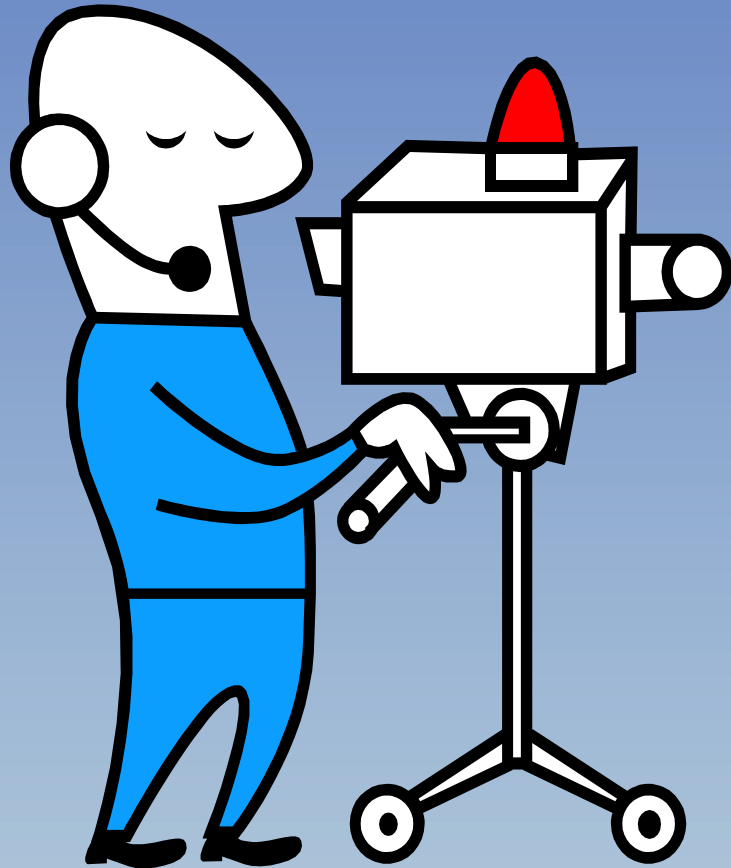
Certified Marine Insurance Professional



**Insuring Vessel
Owners & Operators**
October 22-23, 2015
Houston, TX

www.IIMIS.com
To Register

2015 Webinars



All Webinars are 2:30pm Eastern Time

Marine Excess & Umbrellas

September 1, 2015

Stock Throughput

October 13, 2015

