

Labor Department's Workers' Compensation Compliance

Frequently Asked Questions

Office of Labor Commissioner Mark Costello
Oklahoma Department of Labor
Employment Standards Division, Workers' Compensation Enforcement Unit
www.labor.ok.gov

1. What does the Workers' Compensation Enforcement Unit do?

The Workers' Compensation Enforcement Unit (WCU) is responsible for enforcing the Oklahoma Workers' Compensation Act (WCA) by conducting compliance reviews of employers to ensure employees are protected by valid workers' compensation insurance.

2. Are all employers required to obtain workers' compensation insurance?

Yes. State law requires employers to provide workers' compensation insurance for their employees, even if the employer only has one part-time employee.

3. Where can I purchase workers' compensation insurance?

Business owners can purchase workers' compensation insurance from insurance companies or independent agents authorized to sell workers' compensation insurance in Oklahoma. Contact the Insurance Department, 405-521-2991 or 800-522-0071 or www.oid.state.ok.us, for information on licensed insurance companies in Oklahoma.

4. Can employers just obtain an accident policy or a health insurance policy for their employees instead?

No. An employer must provide a valid workers' compensation insurance policy issued by an insurance carrier authorized by the Oklahoma Insurance Commissioner.

5. Can an employee waive his or her rights to be covered by workers' compensation?

No. An employee is prohibited from waiving his or her rights to be covered by workers' compensation insurance. Any waiver agreement is invalid. Further, any employer who deducts the cost of workers' compensation insurance from an employee's wages is in violation of the WCA and shall be guilty of a misdemeanor.

6. Are employers fined for failing to provide workers' compensation coverage?

Yes. An employer cited for violating the WCA is liable for a maximum civil penalty of \$250 per employee for a first offense. However, employers who obtain workers' compensation insurance within 30 days of receiving notice of the violation shall be liable for a maximum civil penalty of \$75 per employee for a first offense. An employer cited for a second or subsequent violation is liable for a maximum civil penalty of \$1,000 per employee.

7. Can you tell me if a business has workers' compensation insurance?

To find out if a business has a current workers' compensation insurance policy, contact the Oklahoma Workers' Compensation Court (OWCC) at 405-522-8760 or toll-free at 800-522-8210.

8. What should I do if I believe an employer doesn't have coverage?

Contact a labor compliance officer at the Oklahoma Department of Labor at 405-521-6100, or toll-free at 888-269-5353, or download a Compliance Review Request at www.labor.ok.gov. You will be asked to provide the name and address of the employer suspected of not providing coverage. You may remain anonymous.

9. I own my own business. Must I obtain workers' compensation insurance on myself?

The WCA does provide an exemption for individuals who own an equity interest in the business.

To qualify for the exemption, the individual must meet one of the following criteria:

- * be a sole proprietor;
- * be a partner in a partnership;
- * own ten percent (10%) or more of the shares of stock in a corporation;
- * own ten percent (10%) or more of the capital in a limited liability company.

However, these individuals may choose to provide coverage for themselves. In addition, the employer must maintain workers' compensation insurance on their employees as specified by law.

10. My business is a small family business. Must I still obtain workers' compensation insurance?

The WCA does provide an exemption for small family businesses with five or fewer total employees. The exemption applies if the employer is a natural person, and the employees are all related by blood or marriage to the employer. The exemption also applies to a partnership if the employees are all related by blood or marriage to a general or limited partner. If the employer is an association or limited liability company, the employees must all be related to the member of the association or LLC who was responsible for forming the association or LLC. Finally, if the employer is a corporation, it is exempt if the employees are all related to an incorporator of the business.

11. Are truck drivers who drive a leased truck considered an employee?

Not necessarily. The definition of an employee does not include a truck driver (owner-operator) if the driver owns the truck being driven or if the individual drives a leased truck, as long as the business contracting with the truck driver is not the lessor of the truck.

12. How are workers' compensation insurance premiums calculated?

Premiums for workers' compensation insurance are based on factors such as the amount of wages paid by the employer and the classification of the company's employees (e.g. secretaries, mechanics, truck drivers, etc.).

13. I was injured on the job. What should I do?

Contact the Workers' Compensation Court at 405-522-8760 or toll-free to request a Form 3 (Employees' First Notice of Accidental Injury and Claim for Compensation), or download a Form 3 from OWCC's web site at www.owcc.state.ok.us.

14. Are employers required to post an Oklahoma Workers' Compensation Act notice?

Yes. State law requires each employer to post a notice (Form 1A) advising employees that they are covered by the WCA and that workers' compensation counselor services are available at the OWCC. The Form 1A notice can be obtained from the OWCC by calling 405-522-8600 or 800-522-8210 (toll-free).

15. How do I obtain a fee schedule?

For a fee schedule, contact the Workers' Compensation Court at 405-522-8760 or toll-free at 800-522-8210, or visit the OWCC's web site at www.owcc.state.ok.us.

16. Who should I call for information about workers' compensation benefits and/or claims?

Employers and employees may call a counselor at the OWCC, at 405-522-8760 or toll-free at 800-522-8210, or visit the OWCC's web site at www.owcc.state.ok.us.