

# When is it Longshore?

Washington Labor & Industries (L&I) handles Washington state workers' compensation. When work happens for a maritime purpose (status) and at a maritime location (situs), Federal USL&H jurisdiction comes into play.

USL&H applies to all maritime employers, even if the business is an LLC or corporation with just one employee!

Whether a risk is USL&H or not is not always cut and dry. Court cases will often affect how circumstances are viewed.

WARP relies on its servicing carrier, Alaska National, to make the determination on whether the risk might exist for an employer. It's important to make sure that the employee is protected and has access to coverage if they need it. The business also will need Alaska National to be able to defend them in court if a question comes up. For this reason, sometimes Alaska National will include payroll for employees as USL&H even if the jurisdiction is unclear, to ensure protection for the employees and the business.



# Wait... I have Questions!

## How do I know if I need USL&H for a job or for my business?

If you're not sure whether USL&H coverage is needed for a job you are working on, or bidding to work on, please consult with a professional insurance Broker who is familiar with USL&H coverage and case law. USL&H Law is complicated and determined by a combination of where you are working (situs) and what your work is (status), as well as applicable case law.

## But the bid doesn't require it!

The entity putting a job out to bid may not know whether USL&H applies to the job or not. Also, the Washington Department of Labor and Industries (State Act Worker's Compensation) does not routinely have expertise in the USL&H jurisdiction, and may not know either. It is important to get an expert opinion before bidding, so that the cost of USL&H, which is generally higher than State Act Worker's Compensation, can be built into your bid if necessary.

## I am not required to carry USL&H. Should I still buy a policy?

The case law for USL&H changes all the time, and because the benefits are broader than those for statutory workers compensation, even if you are not subject to the jurisdiction, you could be pulled into a lawsuit. Because WARP policies have a low minimum premium, it's probably a good idea to have the policy in place, even if you aren't sure. Penalties for not having the policy are stiff and defense costs can be extremely high! Protect your employees and your business.

More FAQs can be found on our website, [warp-uslh.org](http://warp-uslh.org).

# WARP

## WASHINGTON USL&H ASSIGNED RISK PLAN



P.O. Box 5179  
Bremerton, WA 98312

(306) 585-7220 phone & text  
[www.warp-uslh.org](http://www.warp-uslh.org)  
[director@warp-uslh.org](mailto:director@warp-uslh.org)

# What kind of businesses carry Washington USL&H?

The Washington USL&H Assigned Risk Plan (WARP) works with employers and their insurance brokers across many different types of marine related industries. Costs are higher than the larger USL&H private market but with a lower \$900 minimum premium. The policies we have in place that are underwritten by WARP and administrated by Alaska National include industries below:



## Shipyards

Whether it's the employees working directly for shipyards, or supporting companies like marine painters, sand-blasters, engine repairers, etc. we work with the shipyard industry. From large commercial yards to small one-man repair shops, we provide USL&H coverage for many employees.



## Fishing Vessels

When fishing vessels are in the yard for post-season repairs or pre-season readiness, many times the crew is not the same as the seasonal crew, and the work is more like shipyard work than fishing. Employees are usually entitled to USL&H benefits whenever a vessel is in port being repaired. Because fishing vessel crew can fall into USL&H, Jones Act or State workers comp jurisdiction, it is especially important for fishing vessel owners to work with an experienced marine broker who understands the risks.



## Ports & Terminals

While employees of public entities are generally exempt from USL&H, there are many projects and circumstances where USL&H coverage is needed. We insure many vendors providing services to ports and doing work, such as stevedoring and port or terminal pier repairs and upgrades.



## Construction

Sometimes construction projects are subject to USL&H jurisdiction. Common examples are work performed on docks or piers; work on structures that are or will be used for a maritime purpose, or almost all work at marine facilities like Navy yards or Terminals. Divers are also often considered USL&H employees.



## Professional Services

Sometimes professionals need USL&H coverage, such as marine surveyors, claims adjustors, insurance brokers, or marine consultants. We provide coverage for these folks, even if they are only in USL&H jurisdiction for short periods of time.



## Our Servicing Carrier

**WARP contracts with Alaska National Insurance Company to handle the day-to-day policy servicing, underwriting, audits and claims.**

Founded in 1980, Alaska National has since 2019 been a member of the CopperPoint family, a Specialty Insurance company (est. 1925) with expertise in Workers' Compensation and a select but expanding multiline P&C offering to complex, severity-driven exposures in targeted states. Rated A (Excellent) by A.M. Best, we are committed to meeting the evolving needs of our agent/broker partners and policyholders across a growing 11-state footprint, by building safer work environments and stronger businesses, and changing what insurance means to every person we serve.

<http://www.alaskanational.com>