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RE: § 23-2-1c. Extraterritorial coverage.

Dear Employer:

(a) Whenever, with respect to an employee of an employer who is a subscriber in good standing to the Workers' Compensation Division or an employer who has elected to pay compensation directly, as provided in section nine [§ 23-2-9] of this article, there is a possibility of conflict with respect to the application of workers' compensation laws because the contract of employment is entered into and all or some portion of the work is performed or is to be performed in a state or states other than this State, the employer and the employee may agree to be bound by the laws of this State or by the laws of such other state in which all or some portion of the work of the employee is to be performed. Such an agreement shall be in writing and filed with the commissioner within ten (10) days after execution thereof and shall remain in effect until terminated or modified by agreement of the parties similarly filed. If the parties agree to be bound by the laws of this State, an employee injured within the terms and provisions of this chapter shall be entitled to benefits under this chapter regardless of the situs of the injury or exposure to occupational pneumoconiosis or other occupational disease, and the rights of the employee and his dependents under the laws of this State shall be the exclusive remedy against the employer on account of injury, disease or death in the course of and as a result of the employment.

If the parties agree to be bound by the laws of another state and the employer has complied with the laws of that state, the rights of the employee and his dependents under the laws of that state shall be the exclusive remedy against the employer on account of injury, disease or death in the course of and as a result of the employment without regard to the situs of the injury or exposure to occupational pneumoconiosis or other occupation disease.

If the employee is a resident of a state other than this State and is subject to the terms and provisions of the workmen's [workers'] compensation law or similar laws of a state other than this State, such employee and his dependents shall not be entitled to the benefits payable under this chapter on account of injury, disease or death in the course of and as a result of employment temporarily within this State, and the rights of such employee and his dependents under the laws of such other state shall be the exclusive remedy against the employer on account of such injury, disease or death.

If any employee or his dependents be awarded workmen's [workers'] compensation benefits or recover damages from the employer under the laws of another state for an injury received in the course of and resulting from the employment, the amount so awarded or recovered, whether paid or to be paid in future installments, shall be credited against the amount of any benefits payable under this chapter for the same injury. (1975, c. 215.)

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