

RECIPROCITY AGREEMENT
BETWEEN
THE NORTH DAKOTA WORKERS COMPENSATION BUREAU
AND
THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES,
WORKERS' COMPENSATION DIVISION OF THE STATE OF
OREGON

Whereas from time to time conflicts of jurisdiction arise between North Dakota and Oregon where the contract of employment is in one state and a work related injury occurs in the other state; and

Whereas Oregon and North Dakota desire to resolve these jurisdictional conflicts through an agreement; and

Whereas to the extent possible, each state wishes to protect employers from unnecessarily having to pay dual premiums and to protect workers by ensuring that a compensable on-the-job injury or disease is compensable in at least one state; and

Whereas North Dakota law, pursuant to North Dakota Century Code, § 65-08-04 and Oregon law, pursuant to Oregon Revised Statute § 656.126(5), authorize the respective states to enter into an agreement to resolve these jurisdictional conflicts,

Therefore, the State of North Dakota, acting by and through the North Dakota Workers' Compensation Bureau and the State of Oregon, acting by and through its Department of Consumer and Business Services enter into the following agreement ("the Agreement"):

Who Is Affected By This Agreement

This Agreement affects the rights of workers and their employers when a worker employed in North Dakota to work in North Dakota leaves the state temporarily to work in Oregon, or when a worker employed in Oregon to work in Oregon leaves the state temporarily to work in North Dakota. To be covered by this Agreement, an employer must be considered an employer under both North Dakota's and Oregon's workers' compensation laws, and workers must be considered workers under both North Dakota's and Oregon's workers' compensation laws.

Basic Rule


When a worker employed in North Dakota and subject to North Dakota workers compensation law is temporarily working in Oregon or when a worker employed in Oregon and subject to Oregon workers compensation law is temporarily working in North Dakota:

Approved as to form this 26 day of December, 2002, at Bismarck, North Dakota


by: 
Anne Jorgenson Green, Special Assistant Attorney General

Signed this 4th day of Dec., 2002, at Salem, Oregon

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
OF THE STATE OF OREGON
(OREGON)

by: 
John Shilts, Administrator
Workers' Compensation Division
350 Winter Street NE, room 27
Salem, OR 97301-3879

Approved as to form this 4th day of December, 2002, at Salem, Oregon

by: 
Christian Boenisch, Assistant Attorney General

Certificates Of Coverage

Upon request, each state will issue certificates of extraterritorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

Effective Date

This Agreement shall take effect immediately upon completion of all of the following requirements; (1) execution by both parties; (2) public notification in compliance with Oregon and North Dakota law. This Agreement will remain in effect unless terminated, modified, amended or replaced in writing between the parties.

Termination

Either party may terminate the Agreement, without cause, by giving written notice to the other party at least 30 days in advance of such termination.

Notice

This Agreement creates no rights or remedies, causes of action, or claims on behalf of any third person or entity against Oregon or North Dakota, and is executed expressly and solely for the purpose of coordinating issues of workers' compensation coverage between the states.

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

Signed this 25 day of November, 2002, at Bismarck, North Dakota

NORTH DAKOTA WORKERS' COMPENSATION BUREAU
OF THE STATE OF NORTH DAKOTA
(NORTH DAKOTA)

by: _____

John Halvorson,

Vice President, Underwriting & Research & Development
North Dakota Workers' Compensation Bureau
500 East Front Avenue
Bismarck, ND 58504-5685

- Employers are required to secure workers' compensation coverage under the workers' compensation law of the state where the employer has his place of business and where the worker is employed to work. Employers are required to comply with all procedural and administrative requirements of the state in which they secure coverage.
- Workers' compensation benefits for a worker employed in North Dakota and subject to North Dakota workers compensation law, for injuries and occupational diseases arising out of temporary work in Oregon shall be payable under the workers' compensation law of North Dakota and its law provides the exclusive remedy available to the injured worker. Workers' compensation benefits for a worker employed in Oregon and subject to Oregon's workers compensation law, for injuries and occupational diseases arising out of temporary work in North Dakota shall be payable under the workers' compensation law of Oregon and its law provides the exclusive remedy available to the injured worker.
- In determining whether a worker is temporarily working in another state, North Dakota and Oregon agree to consider:
 1. The extent to which the worker's work within the state is of a temporary duration;
 2. The intent of the employer in regard to the worker's employment status;
 3. The understanding of the worker in regard to the employment status with the employer;
 4. The permanent location of the employer and its permanent facilities;
 5. The extent to which the employer's work in the state is of a temporary duration, established by a beginning date and expected ending date of the employer's work;
 6. The circumstances and directives surrounding the worker's work assignment;
 7. The state laws and regulations to which the employer is otherwise subject;
 8. The residence of the worker; and
 9. Other information relevant to the determination.
- North Dakota and Oregon both agree to notify the other state in writing of any changes to their law that may affect this Agreement within 30 days of that law change.

Exclusion From The Basic Rule

This Agreement does not apply to any North Dakota worker of an Oregon employer while working in the State of North Dakota nor to any Oregon worker of a North Dakota employer while working in the State of Oregon. It is understood that an employer from either Oregon or North Dakota who has both Oregon and North Dakota workers may be required to secure coverage in both states.