

## I. Introduction

In the early days of workers' compensation law, when the majority of covered employment was in manufacturing, when the typical employee usually lived close to the workplace, and when employees often spent decades with the same employer and at the same facility, jurisdictional disputes were rare. Times have changed, particularly during the past three decades or so. Employees are more mobile. Employment often isn't tied to a particular work site. The employee can reside in one state, be recruited—via telephone or computer—from another, perform his or her work in yet another, only then to find that the employment moves from site to site—even state to state. Where injuries occur or occupational diseases or conditions are contracted, what jurisdiction is to be used? Which state has the largest stake in determining the rights of the employer and the employee?

## II. Reason for Importance of Conflict Issue

## III. Three Phases of the Compensation Conflicts Problem

Development of the central conflicts problem is here divided into three steps:

- First, a demonstration that more than one statute *can* apply to the same injury,
- Second, an examination of the question, “when can a state constitutionally apply its statute to a particular work injury?” and
- Third, a treatment of the question “to what extent have the states in fact applied their statutes to extraterritorial injuries, within the permissible constitutional limits.”

## IV. Successive Awards in Different States

General rule: successive awards are allowed; but credit must be given for prior recovery. In other words, injured employee may not have a double recovery [see, e.g., Idaho Code § 72–218].

## V. Summary of Grounds Supporting Applicability

There are six grounds on which the applicability of a particular compensation act has been asserted. They are that the local state is the

- 1 Place where the injury occurred;
- 2 Place of making the contract;
- 3 Place where the employment relation exists or is carried out;
- 4 Place where the industry is localized;
- 5 Place where the employee resides; or
- 6 Place whose statute the parties expressly adopted by contract.

When one of these falls within the local state, and some or all of the others occur in another state, the question arises whether the local state can apply its statute without being accused of denying full faith and credit to the statute of the other. As matters now stand, it is clear that the state which was the locus of any one of the first three items—contract, injury or employment—and probably also of the next two—employee residence and business localization—can constitutionally apply its statute if it wants to.

## VI. Limits on Applicability Imposed by State Law

### 1 Summary of State Statutes

### 2 Place of Injury

Illustrative conflict scenario: California's "liberal" cumulative trauma rules and professional athletes

Reciprocity statutes adopted by some states regarding temporary workers injured inside the state [see Idaho Code §§ 72, 219, 72-222]

### 3 Place of contract

### 4 Place of Employment Relation [Idaho Code § 72-217 is illustrative]

### 5 Localization of Employer's Business

### 6 Place of Employee's Residence

### 7 Contractual Adoption of Particular State [Idaho Code § 72-221]

## VII. Conclusion/Questions/Discussion