

ALABAMA: SUMMARY OF WORKERS' COMPENSATION PROVISIONS

MISCELLANEOUS

Alabama Department of Labor Forms: Alabama Department of Labor, Workers' Compensation Division:
649 Monroe Street Montgomery, AL 36131 | 334.242.2868 | 1.800.528.5166 | <http://labor.alabama.gov/wc>

Commonly Used Forms: available on the AL DOL website: www.labor.alabama.gov/wc/workers-compensation.aspx include:

- **State of Alabama Employer's First Report of Injury or Occupational Disease** (WC Form 2)
- **WC Supplementary Report** (WC Form 3)
- **WC Claim Summary Form** (WC Form 4)
- **WC Combination Supplementary & Claim Summary Form**
- **WC Assessment Form** (WC Form 10)
- **WC Application for Certification for Bill Screening** (WC Form 50)
- **WC Application for Self Insurance** (WC Form 18)

Mileage Reimbursement: Set yearly. 58¢ a mile effective Jan. 1, 2019. (54.5¢ for 2018, 53.5¢ for 2017, 54¢ for 2016, 57.5¢ for 2015 and 56¢ for 2014).

Insurance Premiums: Five percent premium discount for drug-free workplace program implementation, approved by the Alabama DOL. § 25-5-332.

Time Deadlines:

1. First Report of Injury (FROI) (WC Form 2): Due to DOL 15 days after employer on notice. [Ala. Code § 25-5-4](#).
2. Uncontroverted first payment due within 30 days. [Ala. Code § 25-5-59](#).
3. If first compensation payment not made within 30 days after notice, employer must file a report within 10 days after that 30-day period, stating the reason for non-payment. [Ala. Code § 25-5-7](#).
4. If any compensation installment not paid within 30 days after due, a 15 percent penalty may be due if no good cause.
5. After first payment, the Combination Supplementary & Claim Summary Form must be filed within 10 days. [Ala. Code § 25-5-7](#).
6. After termination of compensation: 10 days to report (use [Combination Supplementary & Claim Summary Form](#)). [Ala. Code § 25-5-7](#).
7. Report of settlement of claim, other than court approved or via ombudsman: 10 days. [Ala. Code § 25-5-5](#).
8. Three-day temporary total disability (TTD) wait period initially; initial three days then due and payable if TTD lasts 21 or more days.

State Maximum and Minimum Compensation Rates: (See Annual State Max and Min rates on back). The minimum compensation rate does not apply to permanent partial disability (PPD) or body as a whole (BAW), nor temporary partial disability (TPD). Also, the minimum will never be higher than the employee's average weekly wage (AWW) (no "raise" for being off on comp). Max and min is set as of date of injury and do not change over course of claim.

Insurance: Employer may secure its workers' compensation liability by self-insuring or purchasing and maintaining insurance coverage through an insurance company, risk pool or self-insured group, as long as same is approved by the Alabama Department of Insurance. [Ala. Code § 25-5-8](#).

Failure to Secure Coverage: An employer failing to secure coverage shall be liable for two times the compensation otherwise payable (and shall also be guilty of a misdemeanor). [Ala. Code § 25-5-8](#).

Workers' Compensation Fraud: *Class C felony* (up to 10 years prison and a \$5,000 fine).

STATE OF ALABAMA: AVERAGE WEEKLY WAGE



On May 17, 2019, in accordance with the provisions of Section 25-5-68(c), Code of Alabama, 1975, as last amended, the Secretary of Labor determined that the State's AWW for calendar year 2018 was **\$891.68**.

For injuries occurring on and after July 1, 2019:

- Maximum workers' compensation payable = \$892 per week
- Minimum workers' compensation = \$245 per week

Previous years' maximum and minimum compensation payable as provided under Section 25-5-68 are as follows:

WEEKLY COMPENSATION				
Calendar Year	State's AWW	Effective Date	Maximum	Minimum
2002	\$587.06	7-1-03	\$587	\$161
2003	\$607.10	7-1-04	\$607	\$167
2004	\$629.48	7-1-05	\$629	\$173
2005	\$651.32	7-1-06	\$651	\$179
2006	\$682.09	7-1-07	\$682	\$188
2007	\$705.68	7-1-08	\$706	\$194
2008	\$729.04	7-1-09	\$729	\$200
2009	\$740.14	7-1-10	\$740	\$204
2010	\$755.46	7-1-11	\$755	\$208
2011	\$770.80	7-1-12	\$771	\$212
2012	\$787.59	7-1-13	\$788	\$217
2013	\$794.27	7-1-14	\$794	\$218
2014	\$812.96	7-1-15	\$813	\$224
2015	\$831.86	7-1-16	\$832	\$229
2016	\$842.79	7-1-17	\$843	\$232
2017	\$865.79	7-1-18	\$865	\$238
2018	\$891.68	7-1-19	\$892	\$245

Every case is different. For further questions, please contact Trey Dowdey at 205.314.2409 or trey.dowdey@swiftcurrie.com.

Disclaimer: No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers. This information is distributed for information purposes only and is not to be construed as having the effect of law or regulation or for the provision of legal advice or services.

swift/currie

SWIFT, CURRIE, MCGHEE & HIERS, LLP
1355 PEACHTREE STREET, NE, SUITE 300 • ATLANTA, GEORGIA 30309 • 404.874.8800
2 NORTH 20TH STREET SUITE 1405 • BIRMINGHAM, ALABAMA 35203 • 205.314.2401
www.swiftcurrie.com