



Longshore Act Amended

The American Recovery and Reinvestment Act of 2009 contains a provision that amends §2(3)(F) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)(F)).

OLD LAW

The following employees are excluded from coverage: “individuals employed to **build, repair or dismantle any recreational vessel under sixty-five feet** in length;”

NEW LAW

The following employees are excluded from coverage: “individuals employed to **build any recreational vessel under sixty-five feet** in length **or** individuals employed to **repair any recreational vessel** or to **dismantle any part of a recreational vessel in connection with the repair** of such vessel;”

NOTE: This change is narrow in scope. The sixty-five foot limit remains in place for employees who build recreational vessels. It only affects those employees who are hired to repair or to dismantle in connection with the repair of recreational vessels.

There are additional limitations. The exclusion is only effective if the purportedly excluded employees are subject to coverage under a State workers' compensation law. Keep in mind that the Longshore Act contains no provisions for opting out of workers' compensation coverage or for excluding corporate officers from coverage. If the employee is not covered by the State workers' compensation law then he **is** covered by the Longshore Act.

NOTE: This amendment only affects employees who repair recreational vessels. All work on commercial vessels remains covered under the Longshore Act.

Be cautious before dropping Longshore Act coverage for any employees in reaction to this amendment.

If you have questions or need more information, please contact:
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