in January 1943. The figure, however, was 18 percent below the total amount expended for all public aid a year earlier, when WPA and NYA projects were still in operation.

The increase in total assistance payments over the year, despite the decline in caseloads, corresponds to the rise in the amounts of individual payments to meet at least part of the rise in living costs. Average payments under the four programs have increased from 6 to 14 percent and in January were as follows:

Program	U. S. average	Range in State averages	
		Low	High
Old-age assistance	$26.82	$10	$47
Aid to the blind	28.03	11	47
Aid to dependent children	41.68	20	80
General assistance	27.30	6	42

Changes in recent months in the proportion of monthly old-age and survivors insurance benefits in conditional-payment status suggest that an increasing number of aged beneficiaries are leaving covered jobs and are again receiving retirement benefits. Between February 1942 and October 1943 the proportion of all in-force benefits in conditional-payment status increased each month continuously though slightly, and in the latter month 15.4 percent of all payments were either suspended or frozen. By the end of January, the 133,000 suspended or frozen benefits represented 14.8 percent. Most of the decline was in primary benefits; as a proportion of the number of each type in force, widow's current benefits in conditional status remained at practically the same level and child's benefits declined only slightly. From December to January the number of primary benefits in force increased almost 5,000, but the number in conditional-payment status decreased some 1,600. Data on suspensions and reinstatements during the first 9 months of 1943 indicate that suspensions of primary benefits outnumbered reinstatements by about two-fifths; in the next 4 months the ratio was practically reversed.

Throughout 1943, the monthly increases in number and amount of benefits in force were never more than 2.7 percent or less than 1.7 percent. In January, benefits increased 1.8 percent in number and 1.9 percent in amount and at the end of the month were in force for almost 901,000 beneficiaries, at a monthly rate of $16.4 million. The amount certified in monthly benefits in January was almost one-fourth greater than that a year earlier. Primary benefits accounted for 52.4 percent of the total certified this January and 54.6 percent a year ago; since supplementary benefits also declined slightly, the proportionate increase has been almost entirely in survivor benefits.

The British White Paper on a National Health Service

Proposals of the British Government for a comprehensive health program to ensure the best available medical advice, treatment, and care for everyone in the country, regardless of ability to pay, were put forward on February 17 in the White Paper on a National Health Service, summarized elsewhere in this issue of the Bulletin. The program represents the Government's acceptance of the assumption made by Sir William Beveridge that any plan for social insurance after the war must include a comprehensive national health service. It is the first of the Beveridge recommendations to be developed.

The proposals are submitted by the Government at this time for public discussion, not as fixed decisions. It is hoped that out of the discussions, and consultations with the medical profession, the local authorities, and others concerned with the development of the system proposed, the Government will be able to submit promptly to Parliament legislative proposals on which there is general agreement.

Comparison of Benefit Schedules, Unemployment Compensation and Workmen's Compensation

By Helen Ward Tippy*

What proportion of wage loss should be compensated is a basic problem in any social insurance program which relates benefits to the wage loss suffered by the claimant. Under most State unemployment compensation laws, the weekly benefit in theory approximates 50 percent of the full-time weekly wage, within specified minimum and maximum limitations. The workmen's compensation benefit for temporary total disability, on the other hand, ranges from 40 to 70 percent and, if dependents' benefits are included, from 50 to 100 percent of the "wage" of the claimant, again within specified minimum and maximum limitations. The benefit schedules in these two programs are frequently compared with respect to their liberality to claimants. This comparison raises the question whether the workmen's compensation benefit is in fact higher than the unemployment benefit in most States.

In an attempt to throw some light on this question, a study was made of the benefit formulas in the various State laws. The workmen's compensation formulas for cash benefits for total temporary disability were chosen as most closely comparable to benefits for total unemployment. Both cover current risks which result in a 100-percent wage loss. The comparison is confined to the wage base on which benefits are computed, the percentage or fraction of the wage provided as a weekly benefit, and the minimum and maximum weekly benefit amounts. Other elements of the benefit formula, such as eligibility conditions and the duration of benefits, are not included. Both eligibility and duration are based on such dif-

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fering considerations under the two programs as now established that they are not comparable.

The right to workmen's compensation benefits is an outgrowth of the common law tort obligation of the employer to his employees for injuries received in the course of their employment as a result of his negligence. Eligibility for benefits, therefore, is not based on proof of attachment to the labor market, as under the unemployment compensation laws, but attaches to the employment relation itself. Similarly, the duration of benefits under the most liberal workmen's compensation laws is determined solely by the length of the period during which the worker or his dependents suffer from the results of an industrial accident or disease. Under other laws it varies from 78 to 1,000 weeks. "Temporary" disability for the purpose of these laws refers merely to a disability which has not been determined to be permanent. Under State unemployment compensation laws, on the other hand, benefits are limited to a relatively brief period. The limitation is imposed in part for financial reasons, and in part on the theory that a cash benefit, payable as a matter of right, is not appropriate in prolonged unemployment. After a limited period it is assumed generally that a work benefit or public assistance payable on proof of need should be substituted to prevent malingering.

Although the comparison in this study is limited to the factors which determine the weekly benefit amounts payable under the two programs, the relationship of these factors to the other elements of the benefit formula has an important bearing on the actual liberality of the benefits provided. The relation of the minimum weekly benefit amount to the eligibility requirements under 26 State unemployment compensation laws is an illustration. To qualify for benefits in these States, the claimant must have earned in employment covered by the law wages equal to a specified multiple (ranging from 15 to 40) of his weekly benefit amount in his base period (a 1-year period under 24 of the 26 laws). Thus, although amendments increasing the minimum weekly benefit payable under these laws have been "liberalizing" amendments from one point of view, they have also operated to exclude many claimants from all benefit rights by increasing the minimum earnings necessary for benefit eligibility. Similarly, in some States, higher weekly benefits for claimants in the lower earnings brackets have been counterbalanced by shorter duration of benefits than that provided for claimants in the higher earnings brackets.

There is no corresponding relation under the workmen's compensation laws between the weekly benefit amount and eligibility for benefits. A high minimum weekly benefit under these laws, therefore, is "liberal" in a more absolute sense than a high minimum under the unemployment compensation laws. Interestingly enough, the relation of the workmen's compensation weekly benefit to the maximum duration of benefits is the reverse of that under many unemployment compensation laws. With the exception of 4 States, claimants in the lower earnings brackets can draw benefits for the full duration specified in the law. In 19 States, however, the theoretical duration is in fact reduced for claimants in the higher earnings brackets by a limitation on the total dollar amount payable, and in one the theoretical total amount payable is reduced by the maximum limit on the duration of benefits. In 1 State (Rhode Island), the claimant entitled to the minimum weekly benefit amount is the only one who can draw benefits for the theoretical maximum period of 1,000 weeks (more than 19 years), while the claimant entitled to the maximum weekly benefit is limited to a period of 600 weeks (11.5 years).

The comparison of the benefit schedules of the two programs as made in this report is of necessity merely a rough appraisal of their relative liberality. Within the limitations set, it was not possible to examine all the laws or any of the administrative and court interpretations of the pertinent provisions. The data are based chiefly on digests of the laws.[1] Although the session laws were examined for the 1942 and 1943 legislative sessions to bring the material on workmen's compensation more nearly up to date, the sole source of information on provisions which were not amended in one of these two sessions was a digest, rather than the law itself. A more important limitation is the difficulty of interpreting the wage-base data under the workmen's compensation laws, and of comparing benefit formulas which differ radically.

Difficulty of interpreting wage-base data under workmen's compensation laws.—The definitions of the wage base included in the majority of the workmen's compensation laws are not self-explanatory. The provision in the Florida law illustrates this difficulty. The weekly wage for benefit purposes in Florida equals 1/13 of the earnings in the 13-week period preceding the accident, if the worker was in the same employment during "substantially" the whole of that period. Alternatively, the wage of a similar employee or the full-time wage is used.

If the alternative of the "full-time wage" gives a key to the legislative intent in drafting the provision, the 1/13 formula should be used only if the claimant worked practically full-time during the 13 weeks in question. By the same logic, if the wage of a "similar" employee is used, an employee who has worked full time should be chosen. However, a worker may be said to have been in the same employment during "substantially" the whole of a given period if he performed some work in the same employment during a substantial majority of the working days during the period, even though he may have suffered serious underemployment. Moreover, if the injured worker suffered serious underemployment, another worker who was likewise underemployed might be considered a similar employee if he worked in the same or a similar occupation. Although this law may be classified logically as one which uses the full-time wage as a base, it would be necessary to study the administrative ap-

[1] Data for unemployment compensation laws, from the *Comparison of State Unemployment Compensation Laws* as of Dec. 31, 1941, revised to Jan. 8, 1944. Data for workmen's compensation laws compiled from: *Digest of Workmen's Compensation Laws*, 16th ed., Association of Casualty and Surety Executives, 1942; *Principal Features of Workmen's Compensation Laws—as of September 1943.* U. S. Department of Labor, Division of Labor Standards, Stat. Bulletin No. 62. 1942 and 1943 *Session Laws* of the various States.

plication and court interpretations of the definition to determine accurately the wage base for workmen's compensation benefits in Florida.

Unemployment Compensation

Benefit Formula

The provisions for determining the weekly benefit amount under the unemployment compensation laws fall into two main groups, as follows:

Formula	*Number of States* [1]
Total	51
Weighted tables	14
Based on high-quarter earnings	6
Based on annual earnings	7
Based on average weekly wage	1
Percentage or fraction of high-quarter earnings	37
6%	1
1/20	[2] 12
1/22	1
1/23	2
1/25	[3] 10
1/26	[4] 11

[1] As of Jan. 8, 1944.

[2] One State uses the 1/20 formula as an alternative to 50% of the full-time wage.

[3] One State uses 50% of the full-time wage as an alternative.

[4] Two States use the 1/26 formula as an alternative to 50% of the full-time wage.

Weighted tables.—The percentage of earnings payable under laws which determine weekly benefits by a weighted table differs as between claimants in the different earnings categories. Generally, a larger percentage of the earnings is allowed to claimants with low earnings than is given to claimants with high earnings. In tables which use quarterly earnings as a base, the maximum and minimum percentage allowed, in terms of the full-time wage, can be computed on the assumption that the high quarter is a quarter of full-time earnings. However, for States with tables based on annual earnings, no valid comparison can be made with laws which base benefits on weekly wages, because annual earnings may cover extended periods of unemployment or underemployment. No attempt has been made, therefore, to compare this aspect of the benefit formula for those States which base their unemployment benefit on annual earnings.

Percentage of earnings.—The 37 laws included in the second group provide a weekly benefit equal to a specified fraction or percentage of earnings in the quarter of highest earnings in the base period, within the minimum and maximum range of benefits. As is shown in the tabulation, four of these laws provide for the use of 50 percent of the full-time wage as an alternative. Although no definite information is readily available on the extent to which the alternative is actually applied, it is probable that for the majority of the claimants the high-quarter formula is used. For this reason, the full-time wage alternative is ignored in this discussion.

The percentage of wage loss, in relation to full-time earnings, compensated under these laws depends on the amount of employment which the claimant had during the high quarter. (For the worker whose benefit amount is determined by the weekly minimum or maximum, of course, the percentage will depend also on the relation of his wage rate to the specified minimum or maximum benefit amount.) For the claimant who was employed full time during his high quarter but did not work overtime, a 1/26 formula will compensate for 50 percent of his wage loss. Under the more liberal laws, the 1/20 formula will compensate for 65 percent of wage loss under the same conditions. If, on the other hand, the claimant was underemployed during his high quarter, the percentage compensated will drop. Any underemployment during the high quarter will reduce the weekly benefit under the 1/26 formula below the theoretical 50 percent of the wage loss. The 1/20 formula allows for 3 weeks of unemployment in the high quarter before the percentage compensated drops below 50 percent. On the other hand, overtime during the high quarter will increase the percentage of wage loss compensated under all of these laws.

Wage-Base Provisions, Workmen's Compensation Laws

The benefit formula under the workmen's compensation laws is expressed in entirely different terms. With the exception of two laws which provide a flat benefit, the weekly benefit under all the laws is a given percentage of the wages or earnings of the claimants. The method specified for the determination of wages or earnings, therefore, is an important factor in the determination of the percentage of the full-time wage loss compensated.

The wage-base provisions may be classified roughly into two main groups: (1) those in which the wage used for benefit determinations is the *average wage* for weeks of employment in a specified period and (2) those in which the wage is the *full-time wage* or a close approximation of that wage. Given these provisions, it is clear that the amount of employment or unemployment experienced by the claimant in the period preceding his injury may be a factor in determining the percentage of the full-time wage loss compensated. Partial unemployment will reduce the percentage under the average-for-weeks-of-employment formulas. Under the formulas which apparently approximate the full-time wage, the effect of underemployment will depend on the interpretation given to the various parts of the formula. The benefit under the laws which definitely spell out the full-time wage as the base for computation will not be affected by previous underemployment. Overtime, on the other hand, will operate to increase the benefit under average-for-weeks-of-employment formulas. Under the laws with a full-time wage base the effect of overtime will depend on whether it is excluded or taken into consideration as a legitimate part of the full-time wage. Table 1 presents a summary statement of these formulas.

Average for Weeks of Employment

The wage base under 15 laws [3] is the average wage for weeks of employment in a specified period, generally a year. The majority of these laws provide that, if the average wage is unfair to the claimant, the earnings of another employee in the same or a similar occupation in the same locality should be taken into consideration. In Alaska, if the average wage is otherwise unascertainable, it is to be taken to be $25. Massachusetts, in order to exclude excessive underemployment, does not consider as "weeks of employment" any weeks

[3] Alabama, Alaska, Arkansas, Connecticut, Hawaii, Indiana, Massachusetts, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia.

in which the earnings of the claimant were less than $5, unless his "normal" working hours were less than 15 a week. The laws of Hawaii and North Dakota provide that, if the claimant at the time of the injury is earning a higher wage than he earned earlier in the year, only the higher wage shall be considered in determining the average wage.

Under the laws in this group, the percentage of the wage allowed as a benefit ranges from 50 to 66⅔ percent, with 9 laws (10 if dependents' benefits are considered) giving 60 percent or more. Thus, even if there is some partial unemployment during the claimant's period of employment, he may still be compensated for 50 percent or more of his full-time wage loss in the majority of these States.

Full-Time Wage

Full-time wage under specified conditions; otherwise average wage.—Four States[3] base the weekly benefit on the full-time wage under certain conditions, or as an alternative, on the average wage. Delaware and Nebraska use the full-time wage except for workers in seasonal industries. Both exclude overtime in the computation of the full-time wage and compute the weekly wage of seasonal workers as 1/50 of total earnings in the year preceding the accident. The Maine law bases the benefit amount on the full-time wage unless the claimant had less than 250 working days in the year. For such claimants, the wage is taken to equal his earnings divided by the number of weeks in the same employment, or the wage of a similar employee. In Ohio, the benefit during the first 12 weeks of disability is based on the full-time wage, but thereafter on the average wage.

Under these four laws, the benefit is 60 percent or more of the wage as defined.

Approximate full-time wage formula.—Under 7 laws[4] the average weekly wage equals the average daily wage multiplied by 300 and divided by 52.

There are several variants of this formula. In the District of Columbia, Oklahoma, and Texas, the formula is used only if there was "substantially" full employment in the year preceding the injury. As an alternative, the wage of a similar employee is used. Under the laws of Illinois, Iowa, Missouri, and New York, the daily wage is multiplied by 300 *or* the number of normal working days in the year, but (except in Illinois) not less than 200. Missouri provides that, in the alternative, the wage of a similar employee shall be used. New York specifies that the annual earnings should represent the earning capacity of the employee. Illinois and Iowa exclude overtime from the computation.

Under six of these laws, the weekly benefit ranges from 60 to 66⅔ percent of the weekly wage, with four giving 66⅔ percent. In Illinois, the percentage ranges from 50 percent for the claimant without dependents to a maximum of 65 percent if there are dependents; 17.5 percent of the benefit as so computed is added, however.

Full-time wage.—Of the remaining 21 State laws in this group, four apparently, and the rest clearly, base the benefit amount on the full-time wage. It should be noted, however, that the California formula uses a wage base equal to 95 percent of the full-time wage, including overtime. For the claimant who was earning a higher wage at the time of the accident than earlier in the year, the Idaho and Kentucky laws consider only the higher wage. Montana and Wisconsin exclude overtime from consideration. The Utah wage provision is phrased in terms of the 300-times-the-daily-wage formula; it provides, however, that the daily wage shall be computed to give full time and that the multiplier may be increased to 332, depending on the number of days worked per week. These two specifications appear to bring the law clearly within the full-time wage group.

The percentage of the wage given as a benefit for this group of States ranges from 40 to 70 percent (or from 50 to 100 percent if dependents are considered). Under 15 of the 21 laws, the benefit is 60 percent or over. If additional benefits for dependents are included, a maximum percentage of 60 percent or over is payable under 18 laws.

Other provisions.—The Nevada law provides a benefit equal to 60 percent of monthly wages but does not define "wages." Washington and Wyoming provide for the payment of a flat benefit, which is increased if the injured employee has dependents, but is unrelated to his previous wages. The comparison with wage loss compensated, therefore, is not pertinent for those two laws.

Percentage of Wage Loss Compensated

Table 2 summarizes the weekly minimum and maximum and the percent-of-wage provisions of the unemployment compensation and workmen's compensation laws. For the purpose of comparing the percent-of-wage provisions, the formulas for determining the weekly benefit amount under the unemployment compensation laws have been translated into a percentage of the full-time wage during a period when there is full-time employment (but no overtime) during the quarter of highest earnings. No percentages are given for the 7 State laws which establish a weighted table based on annual earnings for the determination of the weekly benefit amount. Moreover, although the percentage range is given for States with weighted tables based on weekly or quarterly earnings, no attempt has been made in the discussion which follows to compare the percentage of wage allowed under the two programs in these States, because the percentage varies under the unemployment compensation laws for the different wage categories. For the laws which increase the percentage if the injured employee has dependents, both the maximum and minimum percentage payable are shown.

For the unemployment compensation laws, the percentages range from 50 to 78 percent of the weekly wage; for workmen's compensation, from 40 to 70 percent. If dependents' benefits for workmen's compensation are considered, however, the maximum percentages payable range from 50 to 100+. Of the 36 unemployment compensation laws for which a straight percentage can be computed, 23 give less than 60 percent and 13 give 60 percent or more, in contrast to 13 and 35, respectively, of the workmen's compensation laws. The maximum percentage figures for the workmen's compensation laws, taking dependents' benefits into consideration, are

[3] Delaware, Maine, Nebraska, Ohio.

[4] District of Columbia, Illinois, Iowa, Missouri, New York, Oklahoma, Texas.

Table 1.—*Benefit rates and wage base under State workmen's compensation laws for temporary total disability*

State[1] (arranged according to wage base used under law)	Wage base	Benefit rates[2]			State
		Percent of wages	Weekly limits		
			Minimum	Maximum	
	Average wage for weeks of employment (16 States)				
Alabama	Earnings for 52 weeks divided by 52. Divisor reduced if more than 7 consecutive days of unemployment.[3]	55 to 65	$5.00 or full wage	$18.00	Alabama.
Alaska	Where average wages are not otherwise ascertainable, taken to be $25	65	None	None	Alaska.
Arkansas	Earnings for year divided by weeks of employment [3]	65	7.00	20.00	Arkansas.
Connecticut	Earnings for 26 weeks divided by number of weeks actually employed. If less than 2 weeks, prevailing wage in employment.	50	7.00	30.00	Connecticut.
Hawaii	Computed in manner best calculated to give average earnings during preceding 12 months.[3 4]	66⅔	8.00 or full wage	25.00	Hawaii.
Indiana	Earnings for 52 weeks divided by 52. Divisor reduced if over 7 days of unemployment. Maximum weekly wage considered, $31. Minimum, $18.20.[3 5]	55	10.01 or full wage	18.70	Indiana.
Massachusetts	Annual earnings divided by 52. If over 2 weeks of unemployment, divisor reduced.[3] Excludes weeks of earnings below $5 unless normal hours below 15.	66⅔	(6)	20.00	Massachusetts.
North Carolina	Earnings for year divided by 52. If over 7 consecutive days of unemployment, divisor reduced.[3]	60	7.00	21.00	North Carolina.
North Dakota	Computed in manner best calculated to give average weekly earnings during year.[3 4]	66⅔	9.00 or full wage	20.00 to 25.00	North Dakota.
South Carolina	Earnings for year divided by 52. If more than 7 consecutive days of unemployment, divisor reduced.	60	5.00	25.00	South Carolina
South Dakota	Earnings for 52 weeks divided by 52, or number of weeks actually worked. In irregular employments, earnings for year in same employment divided by weeks worked.[3 7]	55	7.50 or full wage	15.00	South Dakota
Tennessee	Earnings for year divided by 52. If more than 7 consecutive days of unemployment, divisor reduced.	60	7.00 or full wage	18.00	Tennessee.
Vermont	Computed to give average weekly earnings during 12 weeks preceding injury. Excludes time lost for sickness or lay-off.[3 4]	50	7.00 or full wage	15.00	Vermont.
Virginia	Earnings for year divided by 52. If more than 7 consecutive days of unemployment, divisor reduced.[3]	55	6.00	18.00	Virginia.
West Virginia	Average wages at time of injury. "Time of injury" to be 60 days, 6 months, or 1 year—one most favorable to the claimant.	66⅔	8.00	16.00	West Virginia.
	Full-time wage under specified conditions; otherwise, average wage (4 States)				
Delaware	Remuneration rate at time of accident. If paid by day, hour, or output, weekly wage=5½×average normal daily earnings.[7 8] Seasonal work—1/50 total earnings.	60	$8.00 or full wage	$18.00	Delaware.
Maine	If employment in preceding year at least 250 full days, use wage for hours, and days constituting full workweek. Otherwise average for weeks of employment.[3 7]	66⅔	7.00	21.00	Maine.
Nebraska	In continuous employments, use weekly income for full workweek.[7] For seasonal employments, 1/50 of earnings for all employment during year preceding injury.[4]	66⅔	6.00 or full wage	15.00	Nebraska.
Ohio	For first 12 weeks, use full-time weekly wage. Thereafter, average wage at time of injury.	66⅔	8.00 or full wage	21.00	Ohio.
	Approximate full-time wage (7 States)				
District of Columbia.	If substantially full employment, 300×average daily wage divided by 52.[3]	66⅔	$8.00 or full wage	$25.00	District of Columbia.
Illinois	Average annual earnings=average daily wage×300 or normal working days per year.[7]	(9)	8.81 to 12.03	17.63 to 23.50	Illinois.
Iowa	Average annual earnings=average daily wage×300 or normal working days (not less than 200) per year.[7]	60	6.00 or full wage	15.00	Iowa.
Missouri	Average annual earnings=average daily wage×300 or normal working days (not less than 200) per year.[3]	66⅔	6.00 or full wage	20.00	Missouri.
New York	Average daily wage×300 (or not less than 200) divided by 52. Annual earnings to represent earning capacity of employee.	66⅔	8.00 or full wage	25.00	New York.
Oklahoma	Average daily wage×300 divided by 52 if worked substantially full year.[3]	66⅔	8.00 or full wage	18.00	Oklahoma.
Texas	Average daily wage×300 divided by 52 if in same employment for substantially full year.[3]	60	7.00	20.60	Texas.
	Full-time wage (21 States)				
Arizona	Average during month of injury. If not continuously employed during month, sum representing earning capacity of employee.	65[10]	None[10]	None[10]	Arizona.
California	Computed variously to take account of days and hours of work and basis of remuneration to achieve about 95 percent of full wage. Maximum wage $46.66.[12] Minimum, $10.[4]	65	$6.50[11]	$30.00[11]	California.
Colorado	Based on monthly, weekly, daily, hourly, or other remuneration of employee.	50	5.00	14.00	Colorado.
Florida	1/13 earnings in 13 weeks if in same employment during substantially whole period, or wages of similar employee, or full-time wage.	60	8.00 or full wage	22.00	Florida.
Georgia	Regular wage received at time of accident [3]	50	4.00 or full wage	20.00	Georgia.
Idaho	If worked substantially full year, average for year. Otherwise, daily wage×days of employment per week.[3 4]	55 to 100+[13]	6.00 to 8.00	12.00 to 16.00	Idaho.
Kansas	Wages=money rate: daily wage×working days (not less than 5) in ordinary workweek.	60	6.00	18.00	Kansas.
Kentucky	Average wages based on earnings while working full time [4]	65	5.00	15.00	Kentucky.

See footnotes on next page.

8 laws with less than 60 percent and 40 with 60 percent or more.

If the comparison is limited to the 33 laws for which straight percentages are given under both programs, 23 of the unemployment compensation laws as against 7 of the workmen's compensation laws give less than 60 percent of the full-time wage as a benefit, and 10 of the unemployment compensation laws as against 26 of the workmen's compensation laws give 60 percent or more. If dependents' allowances are included, only 4 workmen's compensation laws give percentages of less than 60, and 29 give 60 percent or more. Thus, for claimants who worked full time but no overtime during the period on which their benefits are based, the workmen's compensation program is more liberal in the percentage of wage loss compensated in the majority of States for which a direct comparison can be made.

Effect of overtime.—During periods of labor shortage when overtime may be worked by many employees, the effect of overtime pay on the weekly benefit amount may be concentrated under the unemployment compensation laws which base benefits on

Table 1.—*Benefit rates and wage base under State workmen's compensation laws for temporary total disability*—Continued

State [1] (arranged according to wage base used under law)	Wage base	Benefit rates [2]			State
		Percent of wages	Weekly limits		
			Minimum	Maximum	
	Full-time wage (21 States)—Continued				
Louisiana	Based on daily rate of pay. If paid by hour, weekly wage=hourly rate×hours in working day×working days per week.	65	3.00 or full wage	20.00	Louisiana.
Maryland	Average wage based on full-time employment	66⅔	10.00 or full wage.	23.00	Maryland.
Michigan	Annual earnings=52×average weekly wage. Average weekly wage=not less than 40×hourly rate; or earnings per year divided by number of days when work was performed×number of working days per week, but not less than 5.[4]	66⅔	10.00	21.00	Michigan.
Minnesota	Normal daily wage×days and fractions of days in normal workweek, with minimum of 5 days.	66⅔	8.00 or full wage	20.00	Minnesota.
Montana	Wages=average daily wages at time of injury for usual hours of employment per day.[7]	50 to 66⅔	8.00	15.00 to 21.00	Montana.
New Hampshire	Based on earnings at full time during year (or less) with same employer preceding injury.	50	8.00	21.00	New Hampshire.
New Jersey	Daily rate×5 to 7, according to working days per week. If paid by hour, use hourly rate×customary working hours.	66⅔	10.00 or full wage.	20.00	New Jersey.
New Mexico	Based on wage rate: hourly rate×hours per day×days per week: monthly rate×12 divided by 52.[4]	60	10.00 or full wage.	18.00	New Mexico.
Oregon	Monthly wage=26×daily wage, or if employee worked 7 days a week, 30×daily wage.	40 to 66⅔	6.90 or full wage to 9.30 [14]	12.79 to 22.55 [14]	Oregon.
Pennsylvania	Based on wage rate. Special provisions for individuals on piece, hour, or day rates.[4] [8]	66⅔	([15])	18.00	Pennsylvania.
Rhode Island	Average weekly wage at time of injury, counting wages while working full time. Full time means not less than 40×hourly rate.	60	12.00	20.00	Rhode Island.
Utah	Average weekly wage=daily wage×300 or 332 (depending on days per week) divided by 52. Daily wage computed to give full time.	60 to 85	7.00 or full wage	16.00	Utah.
Wisconsin	Average weekly wage between $12.50 and $35.00; average weekly earnings=daily earnings×number of days worked in normal work.[7]	70	8.75	24.50 [11]	Wisconsin.
	No definition of wage base (1 State)				
Nevada		66⅔ [10]	$6.90 to 9.30 [10] [13]	$10.74 to 19.00 [10] [13]	Nevada.
	Flat benefits unrelated to wage (2 States)				
Washington			$5.23 to 9.90 [14] [16]	$11.60 to 17.46 [14] [17]	Washington.
Wyoming			11.60 [14] [18]	25.38 [14] [19]	Wyoming.

[1] Excludes Mississippi; no workmen's compensation law.

[2] Where a range is given, the lower percentage or amount is for the claimant without dependents. In the "percent of wage" column, the higher figure is the maximum payable to a claimant with dependents; in the "minimum weekly benefit amount" column, it is the minimum payable to a claimant with 1 dependent; in the "maximum weekly benefit amount" column, it is the maximum payable to a claimant with the maximum number of dependents for whom additional benefits are provided unless otherwise noted. In some of the States where the "full wage" is given as an alternative to the dollar minimum weekly benefit amount, it is probable that the actual alternative is an average wage.

[3] Under certain circumstances, take in to consideration the earnings of another employee in the same or a similar occupation.

[4] If employment at the time of the injury is at a higher wage than previously during the year, consider only such higher wage.

[5] Includes overtime.

[6] The lesser of $11 or the full wage, but in no case less than $7 if the normal working hours are 15 or more per week.

[7] Excludes overtime.

[8] Excludes gratuities and the value of board and lodging unless the value is fixed at the time of hiring.

[9] For individuals without dependents, the benefit amount is equal to 60 percent of wages, plus 17.5 percent of the benefit as so computed. For individuals with dependents, the benefit amount may be increased to 65 percent of wages, plus 17.5 percent of the benefit amount as so computed.

[10] $10 monthly (or $2.33 weekly) added to the benefit for dependents. Since the increase for dependents is a flat dollar amount, the percent of wages will vary.

[11] No minimum or maximum weekly benefit is specified. Computed from the percent of the wage allowed as a benefit, as applied to the minimum and maximum weekly wages taken into consideration under the law.

[12] Maximum average weekly earnings increased from $39.46 to $40.00. Increase to remain in effect until 91 days after final adjournment of the 56th regular legislative session (1945) or until the cessation of hostilities.

[13] 5 percent added for each additional dependent child, with no statutory maximum.

[14] Computed by dividing the monthly payment specified in the law by 4.3.

[15] The lesser of $9 or the full wage, but in no case less than $5.

[16] The lowest benefit amount payable to a claimant without dependents is that payable, during the first 6 months of disability, to a married woman whose husband is not an invalid; after 6 months, it is increased. The lowest benefit amount payable to a claimant with 1 dependent is that payable, during the first 6 months of disability, to a married woman whose husband is not an invalid but who has 1 child under 18 years of age; after 6 months, it is increased.

[17] The lower amount is payable to an unmarried claimant without dependents. The higher is payable, during the first 6 months of disability, to a claimant with a wife or invalid husband and 2 children under 18 years of age. $1.74 is added for each additional child under 18. After 6 months, the benefit is increased.

[18] Flat benefit payable to a claimant with no dependents.

[19] Maximum benefit payable to a claimant with dependents.

Sources: Association of Casualty and Surety Executives, *Digest of Workmen's Compensation Laws*, 16th ed., 1942. U. S. Department of Labor, Division of Labor Standards, *Principal Features of Workmen's Compensation Laws—as of September 1943*, Bulletin No. 62. 1942 and 1943 *Session Laws* of the various States.

Table 2.—*Comparison of benefit schedules for total unemployment under unemployment compensation and for temporary total disability under workmen's compensation, by State and by wage base used under the workmen's compensation laws*

State [1] (arranged according to wage base—workmen's compensation)	Percent of wages: Unemployment compensation [2]	Percent of wages: Workmen's compensation [3]	Minimum weekly benefit amount: Unemployment compensation [3]	Minimum weekly benefit amount: Workmen's compensation [3]	Maximum weekly benefit amount: Unemployment compensation	Maximum weekly benefit amount: Workmen's compensation [3]
	Average wage for weeks of employment (15 States)					
Alabama	50	55 to 65	$2.00	$5.00 or full wage	$15.00	$18.00.
Alaska	65	65	5.00	None	16.00	None.
Arkansas	50	65	3.00	7.00	15.00	20.00.
Connecticut	50 [4]	50	6.00	7.00	22.00	30.00.
Hawaii	52	66⅔	5.00	8.00 or full wage	20.00	25.00.
Indiana	52	55	5.00	10.00 or full wage	18.00	18.70.
Massachusetts	65	66⅔	0.00	(5)	18.00	20.00.
North Carolina	(6)	60	3.00	7.00	15.00	21.00.
North Dakota	50	66⅔	5.00	9.00 or full wage	15.00	20.00 to 25.00.
South Carolina	50	60	4.00	5.00	15.00	25.00.
South Dakota	(6)	55	7.00	7.50 or full wage	15.00	15.00.
Tennessee	50 [7]	60	5.00	7.00 or full wage	15.00	18.00.
Vermont	60 to 50	50	6.00	7.00 or full wage	15.00	15.00.
Virginia	52	55	4.00	6.00	15.00	18.00.
West Virginia	(6)	66⅔	7.00	8.00	18.00	16.00.
	Full-time wage under specified conditions; otherwise, average wage (4 States)					
Delaware	52	60	$5.00	$8.00 or full wage	$18.00	$18.00.
Maine	(6)	66⅔	6.00	7.00	18.00	21.00.
Nebraska	52	66⅔	5.00	6.00 or full wage	15.00	15.00.
Ohio	59 to 51	66⅔	5.00	8.00 or full wage	16.00	21.00.
	Approximate full-time wage (7 States)					
District of Columbia	57	66⅔	$6.00 to 7.00	$8.00 or full wage	$20.00 [9]	$25.00.
Illinois	65	(9)	7.00	8.81 to 12.03	18.00 [10]	17.03 to 23.50.
Iowa	50 [11]	60	5.00 or full wage	6.00 or full wage	15.00	15.00.
Missouri	52	66⅔	3.00	6.00 or full wage	18.00	20.00.
New York	57	66⅔	10.00	8.00 or full wage	18.00	25.00.
Oklahoma	65	66⅔	6.00	8.00 or full wage	16.00	18.00.
Texas	50	60	5.00	7.00	15.00	20.00.
	Full-time wage (21 States)					
Arizona	50 [11]	65 [12]	$5.00	None [12]	$15.00	None.[12]
California	65	65	10.00	$6.50 [13]	20.00	$30.00.[13]
Colorado	52 [14]	50	5.00	5.00	15.00	14.00.
Florida	65 to 51	60	5.00	8.00 or full wage	15.00	22.00.
Georgia	54 to 40	50	4.00	4.00 or full wage	18.00	20.00.
Idaho	62 to 40	55 to 100+[15]	5.00	6.00 to 6.55	18.00	12.00 to 16.00.
Kansas	52	60	5.00	6.00	15.00	18.00.
Kentucky	(5)	65	5.00	5.00	16.00	15.00.
Louisiana	65 [16]	65	3.00	3.00 or full wage	18.00	20.00.
Maryland	65	66⅔	7.00	10.00 or full wage	20.00	23.00.
Michigan	65	66⅔	10.00	10.00	20.00	21.00.
Minnesota	(6)	66⅔	7.00	8.00 or full wage	20.00	20.00.
Montana	52	50 to 66⅔	5.00	8.00	15.00	15.00 to 21.00.
New Hampshire	(6)	50	6.00	8.00	18.00	21.00.
New Jersey	59	66⅔	7.00	10.00 or full wage	18.00	20.00.
New Mexico	50	60	5.00	10.00 or full wage	15.00	18.00.
Oregon	78	40 to 66⅔	10.00	6.97 to 9.30 or full wage [17]	15.00	12.70 to 22.55.[17]
Pennsylvania	52	66⅔	8.00	(18)	18.00	18.00.
Rhode Island	160 to 74	60	6.75	12.00	18.00	20.00.
Utah	65	60 to 85	5.00	7.00 or full wage	20.00	16.00.
Wisconsin	66⅔ to 50 [19]	70	8.00	8.75 [13]	20.00	24.50.[13]
	No definition of wage base (1 State)					
Nevada	65	66⅔[13]	$5.00	$8.90 to 9.30 [13]	$15.00	$16.74 to 19.00.[13]
	No definition of wage base; flat benefits (2 States)					
Washington	65		$7.00	$5.23 to 8.90 [17 20]	$15.00	$11.60 to 17.46.[17 21]
Wyoming	65		7.00	11.60 [17 22]	20.00	25.38.[17 23]

[1] Excludes Mississippi; no workmen's compensation law.

[2] For laws which provide a weekly benefit equal to a specified fraction of earnings in the calendar quarter in the "base period" in which the earnings are the highest, a percent of the weekly wage has been calculated on the assumption that there is full employment but no overtime in the high quarter. For those laws which include a weighted table based on high-quarter earnings, the percent of wages is given as a range from the percent allowed claimants with the highest earnings which will entitle them to the minimum weekly benefit, to the percent allowed claimants with the lowest earnings required to entitle them to the maximum weekly benefit. No percentages are given for States with weighted tables based on annual earnings.

[3] Where a range is given, the lower percentage or amount is for the claimant without dependents. In the "percent of wage" column, the higher figure is the maximum payable to a claimant with dependents; in the "minimum weekly benefit amount" column, it is the minimum payable to a claimant with 1 dependent; in the "maximum weekly benefit amount" column, it is the maximum payable to a claimant with the maximum number of dependents for whom additional benefits are provided, unless otherwise noted in footnotes. In some of the States where "full wage" is given as an alternative to the dollar minimum weekly benefit amount, it is probable that the actual alternative is an average wage.

[4] Table based on weekly earnings which are defined as 1/13 of total wages in the high quarter. However, 60 percent of weekly earnings is allowed at the minimum, and 51 percent at the maximum.

Continued on next page.

earnings in the high quarter. However, the effect of overtime on the benefit formula is restricted by the limitations on the maximum weekly benefit payable. Except for workers paid at relatively low rates, this maximum will operate to prevent prolonged overtime from increasing the weekly benefit amount excessively. For the 15 workmen's compensation laws which base benefits on the average wage for weeks of employment, although overtime will be included and will operate to increase the percentage of the wage loss compensated, within the maximum limitation, there is more chance that overtime in one part of the "base" period will be counterbalanced by underemployment during the rest of the year. Of the 32 States which base their workmen's compensation benefit on the full-time wage or a close approximation of it, 7 are known to exclude overtime. For the others, the material examined does not indicate whether overtime is included or excluded. If overtime is excluded, the percentage of full-time wage loss compensated will be the percentage of wages specified in the laws. If included, the percentage actually compensated may be increased for workers at low-wage rates.

Because of the variable factors involved, it is impossible to make any accurate comparison of the potential liberality of benefits under the two programs in a period when many employees work overtime. Unless overtime is spread evenly over the year, however, it is probable that overtime pay will operate to increase benefits more markedly for claimants not affected by the maximum under the unemployment compensation laws (with the exception of the laws in the 7 States which base benefits on annual earnings) than under the workmen's compensation laws which include overtime pay as wages. On the other hand, since the percentage of wages payable under the latter laws is considerably higher than under the majority of the unemployment compensation laws, it should, at least in theory, take considerable overtime to raise the percentage of full-time wage loss compensated under the unemployment compensation laws above that compensated under the majority of the workmen's compensation laws.

Effect of partial unemployment.—In periods of underemployment, the advantage appears to be with the workmen's compensation claimants under the majority of the laws. In the full time wage States, unemployment will not reduce the percentage of wage loss payable. In view of the definitions of the wage base included in the laws, 28 of the 50 jurisdictions with workmen's compensation laws may be included here, and an additional 4 use the full-time wage base under specified circumstances. Moreover, the fact that the percentage of the wage allowed as a benefit is substantially higher under the workmen's compensation laws than under the unemployment compensation laws increases the advantage of claimants in the full-time wage States.

The relative liberality of the weekly benefit under the two programs during a depression period is more difficult to appraise for the 15 States which use the average wage for workmen's compensation purposes. The effect of the legal provisions will depend on the pattern of employment and unemployment of the claimants. In 3 of these States, the unemployment benefit is based on annual earnings; the remaining 12 States use the high-quarter formula. Any total or partial unemployment in the base period under the laws of the first 3 States, or in the high quarter under the other 12 laws, will lower the percentage of wage loss compensated for unemployed claimants who are not affected by the minimum benefit. The workmen's compensation laws, on the other hand, eliminate weeks of total unemployment from the wage base under the average-for-weeks-of-employment formula. Partial unemployment in the "base period," however, will operate to lower the unemployment compensation benefit in these 15 States. Of the 11 of these unemployment compensation laws for which percentages under the unemployment compensation laws have been computed, 9 allow less than 60 percent and 2 allow 65 percent of the wage as a benefit if there is no unemployment in the high quarter. For the same States, 4 of the workmen's compensation laws allow less than 60 percent and 7 allow 60 percent or over of the average wage.

A 20-percent sample study of Ohio unemployment compensation claimants,[5] using the calendar year 1939 as the base period, showed that 6.4 percent had 1–4 weeks of employment in the high quarter, 8.7 percent

[5] Division of Research and Statistics, Ohio Bureau of Unemployment Compensation, *The Calendar Quarter of Highest Earnings As a Measure of Full Employment*, Benefit Formula Research Memorandum No. 1, Dec. 22, 1941, 9 pp. Processed.

Continued from preceding page.

[5] The lesser of $11 or the full wage, but in no case less than $7 if the normal working hours are 15 or more per week.

[6] Weighted table based on annual earnings.

[7] Rate is 65 percent (1/20) and 52 percent (1/25) for weekly benefit amounts of $5 and $6.

[8] For the claimant whose basic weekly benefit is less than $20, $1 weekly is added for each dependent up to 3. However, the maximum for all claimants, with or without dependents, is $20.

[9] For individuals without dependents, the benefit amount is equal to 50 percent of wages plus 17.5 percent of the benefit as so computed. For individuals with dependents, the benefit may be increased to 65 percent of wages, plus 17.5 percent of the benefit amount as so computed.

[10] Maximum will be raised to $20, effective Apr. 1, 1944.

[11] 50 percent of the full-time weekly wage for the customary scheduled full-time hours in the last employment; or, under certain conditions, 1/26 of the high-quarter earnings.

[12] $10 monthly (or $2.33 weekly) added to the benefit for dependents. Since the increase for dependents is a flat dollar amount, the percent of wages will vary.

[13] No minimum or maximum weekly benefit is specified. Computed from the percent of the wage allowed as a benefit, as applied to the minimum and maximum weekly wages taken into consideration under the law.

[14] 1/26 of high-quarter earnings or 50 percent of the full-time wage from most recent base-period employer.

[15] 5 percent added for each additional dependent child, with no statutory maximum.

[16] 1/20 of high-quarter earnings or 50 percent of the full-time wage.

[17] Computed by dividing the monthly payment specified in the law by 4.3.

[18] The lesser of $9 or the full wage, but in no case less than $5.

[19] Weighted table based on average wage for weeks of employment per employer. The minimum benefit included in the table is $2, or 66⅔ percent of the specified average wage. However, claimants with computed weekly benefits of less than $8 are paid at $8 per week and their duration is correspondingly reduced. For the lowest wage class, $8 is 266⅔ percent of the specified average weekly wage.

[20] The lowest benefit amount payable to a claimant without dependents is that payable, during the first 6 months of disability, to a married woman whose husband is not an invalid; after 6 months, it is increased. The lowest benefit amount payable to a claimant with 1 dependent is that payable, during the first 6 months of disability, to a married woman whose husband is not an invalid but who has 1 child under 18 years of age; after 6 months, it is increased.

[21] The lower amount is payable to an unmarried claimant without dependents. The higher amount is payable, during the first 6 months of disability, to a claimant with a wife or invalid husband and 2 children under 18 years of age. $1.74 is added for each additional child under 18. After 6 months, the benefit is increased.

[22] Flat benefit payable to a claimant with no dependents.

[23] Maximum benefit payable to a claimant with dependents.

Sources: Unemployment compensation data: Federal Security Agency, Social Security Board, Bureau of Employment Security, *Comparison of State Unemployment Compensation Laws as of December 31, 1941*, revised to Jan. 8, 1944. Workmen's compensation data: Association of Casualty and Surety Executives, *Digest of Workmen's Compensation Laws*, 16th ed., 1942. U. S. Department of Labor, Division of Labor Standards, *Principal Features of Workmen's Compensation Laws—as of September 1943*, Bulletin No. 62. 1942 and 1943 *Session Laws* of the various States.

had 5–8 weeks, 22.1 percent 9–12 weeks, and 62.8 percent 13–14 weeks. In other words, 37.2 percent had some unemployment in that quarter. As would be expected, the claimants with the lowest earnings in the high quarter suffered the greatest degree of unemployment. Of the claimants who earned less than $100 in the quarter—12.9 percent of all claimants—46.7 percent had 4 weeks or less of employment. Of the 24.7 percent of the claimants who earned $350 and over, on the other hand, only 0.1 percent had 4 weeks or less of employment. At the other extreme, 8.7 percent of the claimants with earnings under $100 had 13–14 weeks of employment in the high quarter, in contrast to 79.6 percent with earnings of $350 and over. A 20-percent sample study of South Carolina claimants with individual base periods beginning on or before July 1, 1937, and ending on or before July 1, 1939, showed strikingly similar results. Although the base periods used in these studies were not periods of severe depression, the findings seem to indicate that the high-quarter formula may not result in the use of a period of full employment for the determination of the weekly unemployment benefit for many claimants.

On the workmen's compensation side, the fact that weeks of total unemployment are excluded in the computation of the average wage will serve as some protection to claimants during periods of economic depression. However, partial unemployment at any time during the period used for the determination of the benefit amount will reduce the percentage of wage loss compensated.

Minimum Weekly Benefit Amounts

Under the early unemployment compensation laws, the vast majority of the States set as the minimum weekly benefit amount the lesser of a specified sum (generally $5) or three-fourths of the full-time wage. Now Iowa is the only State providing an alternative, the full wage, to the dollar minimum benefit. Of the 50 workmen's compensation laws, on the other hand, 24 use the full wage as an alternative to the dollar minimum benefit. As a result, the direct comparison between the two programs on this point is limited to the laws of the 26 States which set a dollar minimum and the one (Iowa) which uses the "full wage" alternative for both programs.

The unemployment compensation minimum benefit is higher in 5 States, the workmen's compensation benefit in 19 States, and the minimum benefit is the same in 3 States (table 3). If the additional benefits payable for dependents under 10 workmen's compensation laws are ignored, the unemployment compensation minimum exceeds the workmen's compensation minimum by less than $3 in 1 State, by $3–3.99 in 2 States, and by an indefinite amount in 2 States. The workmen's compensation minimum exceeds the unemployment compensation minimum by less than $3 in 13 States, by $3–3.99 in 1 State, by $4 or more in 4 States, and by an indefinite amount in 1 State. Iowa, the one State in which the workmen's compensation minimum benefit is classified as more liberal by an indefinite amount, pays the full wage as a benefit under both laws if it is less than the specified dollar minimum. However, the specified dollar minimum is $6 under the workmen's compensation law and $5 under the unemployment compensation law. The 2 States in which the unemployment compensation benefit is classified as more liberal by an indefinite amount include no minimum weekly workmen's compensation benefit.

In the 23 States in which the minimum benefit amounts under the two programs are not strictly comparable, the unemployment compensation minimum may be said theoretically to be more liberal because it sets an absolute limit on the minimum weekly benefit. In many of these States, however, it is probable that the workmen's compensation minimum will be higher in practice for most claimants in the low-wage group. For example, in Alabama the unemployment compensation minimum is $2 while the workmen's compensation minimum is the lesser of $5 or the full wage. Thus, the claimant whose full wage is less than $5 but more than $2 will get an unemployment benefit equal to only 50 percent of his wage, while his workmen's compensation benefit will equal 100 percent. For a claimant

Table 3.—*Comparison of minimum and maximum weekly benefit amounts under State unemployment compensation laws with those under State workmen's compensation laws:*[1] *Number of States in which one program is more liberal by the amount of variation*

Amount by which the minimums and maximums are more liberal	Comparison of minimum amounts[2]			Comparison of maximum amounts					
	Excluding dependents' benefits			Excluding dependents' benefits			Including dependents' benefits		
	Unemployment compensation more liberal	Workmen's compensation more liberal	No difference	Unemployment compensation more liberal	Workmen's compensation more liberal	No difference	Unemployment compensation more liberal	Workmen's compensation more liberal	No difference
Total	5	10	3	8	34	8	5	38	7
Less than $1.00		1		1	1			1	
1.00–1.99	1	0		2	2		2	1	
2.00–2.99		3		2	7		2	8	
3.00–3.99	2	1		1	8			8	
4.00–4.99		3		1	1		1	2	
5.00–5.99		1			7			7	
6.00–6.99				1	1			2	
7.00–7.99					2			3	
8.00–8.99					1			1	
9.00–9.99									
10.00					2			3	
Indefinite	[3]2	[4]1			[5]2			[5]2	

[1] Provisions relate to total unemployment under the unemployment compensation program and to temporary total disability under the workmen's compensation program. Excludes Mississippi which has no workmen's compensation law.

[2] The minimum amounts in 23 States are not comparable. Although the unemployment compensation laws in these States set an absolute dollar minimum benefit amount, the workmen's compensation laws provide that the full wage shall be allowed if that is less than the specified minimum benefit.

[3] No minimum under the workmen's compensation laws.

[4] Iowa. Under both programs the full wage is the minimum if it is less than the dollar minimum. However, the dollar minimum under the workmen's compensation law is $1 more than the dollar minimum under the unemployment compensation law.

[5] No maximum in the weekly benefit amount under the workmen's compensation law.

with a full-time wage of less than $2, however, the unemployment compensation benefit will be higher than the workmen's compensation benefit to the extent that $2 exceeds the full wage. The extent to which the unemployment compensation benefit is more liberal than the workmen's compensation benefit in those 23 States, therefore, will depend in part on the relation of the lowest wages paid in the States to the dollar minimum benefit amount under the two programs, and in part on the method of determining the full wage under the workmen's compensation laws. It should be noted that the specified dollar minimum to which the full wage is an alternative under the workmen's compensation laws in these States is higher than the corresponding dollar minimum under the unemployment compensation laws in all but 4 of the States. This fact increases the probability that the workmen's compensation minimum will be higher in practice for the majority of claimants in most of the States concerned.

Maximum Weekly Benefit Amounts

A similar comparison of the maximum weekly benefit amounts under the two programs shows that if the increases for dependents' benefits are ignored the maximum is higher under the unemployment compensation program in 8 States, under the workmen's compensation program in 34 States, and is the same for the two programs in 8 States (table 3). Not only do the large majority of the States provide a higher maximum benefit under their workmen's compensation laws, but the amounts by which the workmen's compensation maximum exceeds the unemployment compensation maximum are greater. In only 1 of the 9 unemployment compensation laws which are more liberal is the difference more than $5. In 15 of the 34 workmen's compensation laws which are more liberal, however, the difference is $5 or more. In 2 States the workmen's compensation benefit may exceed the unemployment compensation maximum by an unlimited amount because no maximum weekly benefit is set in these laws. If increases for dependents' benefits are included, the greater liberality of the maximum weekly benefit amounts of the workmen's compensation program is even more outstanding.

Conclusions

The benefit formulas under the workmen's compensation and unemployment compensation laws differ so radically that no broad generalizations can be made concerning the relative liberality of the weekly benefits provided by the two programs, unless the qualifications to those generalizations are borne in mind. The pattern of employment and unemployment of the individual claimants, national and local conditions of the labor market, and wage rates in the States, will all affect the benefit rights of the claimants. Nevertheless, the over-all picture shows the workmen's compensation benefit as more liberal in the majority of the States, at least in normal times and in depression periods. The maximum weekly benefit is generally higher. In the States in which the minimum benefit provisions are directly comparable, the benefit is higher under workmen's compensation laws in 19 States as against 5 where the reverse is true, and the amount by which the more liberal minimum exceeds the other is generally greater. Even in the remaining States the workmen's compensation minimum may be higher in practice than the unemployment compensation minimum in the majority of cases.

The percentage of the wage paid as a benefit is higher in theory under most of the workmen's compensation laws. In practice, the adoption of the full-time wage base in many of the States will serve to protect the benefit levels of workmen's compensation claimants both in normal and in depression periods. Overtime, however, will not be reflected in the weekly benefit under those workmen's compensation laws which specifically exclude such pay. The high-quarter formulas of the majority of the unemployment compensation laws, on the other hand, will probably ensure that any overtime worked during the base period is included in the wage base for most claimants. To the extent that overtime is taken into consideration under the workmen's compensation laws, the higher maximum weekly benefit which generally prevails under these laws will allow overtime pay to operate to increase the weekly benefit for a greater number of claimants. Finally, under the average-for-weeks-of-employment formulas in 15 workmen's compensation laws, total unemployment will not lower the weekly benefit in depression periods, though partial unemployment will pull down the average wage. Both total or partial unemployment, on the other hand, may decrease the percentage of the full-time wage loss compensated under the high-quarter as well as the annual wage formulas of the unemployment compensation laws. Under the high-quarter formulas, however, there is a greater chance that underemployment, whether total or partial, will be excluded from the wage base than there is under the annual earnings formulas.