Worker's Compensation Waivers

Can a District accept TWCC waivers or Occupational Accident insurance instead of a certificate of Worker's Compensation insurance?

As a public entity the answer is no, according to Attorney General Opinion DM-300, stating that Workers Compensation coverage is required "…no matter how small the subject matter of the contract may be."

If a worker is seriously injured and his employer does not carry Worker's Compensation insurance, that worker will try to establish and employer/employee relationship with the School District in order to find insurance.

There is no justification for allowing some employers to "opt out" of the system. Those employers that reject the Act often involve the most hazardous occupations: roofers, landscape contractors, etc. Their employees are often unskilled minorities.

A Texas school District used a local contractor to do roofing repairs. The District accepted a TWCC waiver. He fell through the roof and was killed. Why wouldn't his estate try to make him an employee of the District?