



# Oregon

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## **BULLETIN NO. 111 (Revised) Nov. 20, 2009**

TO: Workers' compensation insurers and self-insured employers

SUBJECT: Computation of temporary disability, permanent disability,  
and fatal benefits based on Oregon's average weekly wage

**This bulletin provides updated benefit rates based on the annual Oregon average weekly wage for 2008. Due to the implementation of Senate Bill 110 (effective Jan. 1, 2010), the division revised section V. "Fatal Benefits," and updated the "Monthly Maximums: Fatal Benefits" chart. This bulletin replaces Bulletin No. 111 dated May 29, 2009.**

### **I. STATE'S AVERAGE WEEKLY WAGE (SAWW) (ORS 656.211)**

Effective July 1, 2009, the SAWW used to compute workers' compensation benefits, is increased to \$800.60. This is an increase of 1.293 percent over the July 1, 2008 through June 30, 2009 figure of \$790.38.

The SAWW affects the computation of most workers' compensation benefits for all injuries occurring on or after July 1, 1973, including: temporary total disability, permanent partial disability, permanent total disability, and fatal benefits.

Adjust temporary total disability benefits payable each July 1 to correspond to changes in the SAWW, except for injuries that occurred between July 1, 1973 through March 31, 1974.

Compute permanent partial disability (for claims with dates of injury on or after Jan. 1, 2005), permanent total disability and fatal benefits based on the SAWW *in effect at the time of injury*.

Provide subsequent increases in permanent total disability and fatal benefits that are subject to reimbursement from the Retroactive Program of the Workers' Benefit Fund in amounts established by the Workers' Compensation Division.

### **II. TEMPORARY TOTAL DISABILITY BENEFITS (TTD) (ORS 656.210, 656.211)**

A. For workers injured July 1, 1973, through March 31, 1974, who are entitled to TTD benefits on or after July 1, 2009, compute the benefits in the following manner:

1. If the TTD rate was \$125.20, recompute the rate to 66 2/3 percent of the wage at the time of the injury, but not to exceed 80 percent of the SAWW (\$640.48).
2. If the TTD rate was less than \$125.20, **do not recompute the rate.**
3. However, for workers whose TTD rate is below 80 percent of the SAWW (\$640.48), provide increased benefits available under the Retroactive Program, in amounts established by the Workers' Compensation Division.

- B. For workers injured April 1, 1974, through June 30, 1975, who are entitled to TTD benefits on or after July 1, 2009, provide the percentage increases shown on the attached “Average Weekly Wage” chart, applicable to the date of injury, subject to maximums equal to 80 percent of the SAWW shown on the attached “Weekly Maximums” chart.
- C. For workers injured July 1, 1975, through Dec. 31, 2001, who are entitled to TTD benefits on or after July 1, 2009, provide the percentage increases shown on the “Average Weekly Wage” chart, applicable to the date of injury, but not more than 100 percent of the SAWW (\$800.60), and not less than \$50 a week or 90 percent of their wage, whichever amount is less.
- D. For workers injured on or after Jan. 1, 2002, who are entitled to TTD benefits on or after July 1, 2009, provide the percentage increases shown on the “Average Weekly Wage” chart, applicable to the date of injury, but not more than 133 percent of the SAWW (\$1,064.80), and not less than \$50 a week or 90 percent of their wage, whichever amount is less. Workers employed in more than one job at the time of injury, who lose wages from one or more of the additional jobs, are eligible for supplemental temporary disability payments under ORS 656.210(2), subject to the maximum rate of 133 percent of the SAWW.
- E. When adjusting TTD benefits, apply the percentage increases individually, with each succeeding increase compounding the prior increase as shown in the following example:

*Date of injury: 7/15/05*

*Worker’s weekly wage: \$850*

*Statutory TTD rate: 66 2/3 percent of \$850 = \$566.70*

*Multiply statutory rate by increases for subsequent years, starting 7/1/06 (i.e. 1.188% or 1.01188)*

*\$566.70 x 1.01188 x 1.04903 x 1.04437 x 1.01293 = \$636.36 (payable if TTD due on or after 7/1/09)*

### **III. PERMANENT PARTIAL DISABILITY (PPD) BENEFITS (ORS 656.214, 656.216)**

Pay PPD benefits *for awards in excess of \$6,000.00* at 4.35 times the weekly TTD rate in effect at the time the determination is made.

- A. Pay PPD at the rates shown on the PPD chart in this bulletin.
- B. Claims with dates of injury between Jan. 1, 2000, and July 30, 2001, and closed in the same time frame with unscheduled PPD awards only in the second tier of the rate schedule in effect at that time were affected by an error in 1999 legislation. Those awards used a value of \$153.00 for calculating awards from 64.1 to 160 degrees. Legislation in 2001 addressed the problem by correcting the dollars/degree rate schedule from \$153.00 to \$267.44. On Sept. 27, 2001, the Workers’ Compensation Division issued an industry notice advising of the method to be used to compute subsequent awards. However, the notice did not explain how to compute subsequent awards that reduce prior awards affected by the error in the second tier. In such cases, reductions should be taken at the same rate they were granted. Only award reductions are affected by this clarification.

### **IV. PERMANENT TOTAL DISABILITY (PTD) BENEFITS (ORS 656.206)**

Compute PTD benefits based on the SAWW in effect at the time of injury. PTD benefits for injuries prior to July 1, 2009, continue at the statutory rate modified only by applicable Retroactive Program increases. Pay 66 2/3 percent of the worker’s weekly wage at the time of injury but not more than 100 percent of the SAWW. The minimum amount of benefits payable to an injured worker is 90

percent of the worker's weekly wage at the time of the injury, or \$50 a week, whichever amount is less. The maximum amount of benefits payable to an injured worker is shown in the "Weekly Maximums" chart. If the date of injury was on or after July 1, 1973, but before Oct. 23, 1999, pay the worker \$5 for each eligible beneficiary not to exceed five in number. Multiply the total weekly benefit by 4.35 to arrive at the monthly benefit.

The 2005 Oregon Legislature designated the Federal Poverty Guidelines applicable to Oregon residents for a family of three as one of the factors to be used to determine whether a worker is or remains permanently and totally disabled. Please use the following Web site to access the Federal Poverty Guidelines: [www.aspe.hhs.gov/poverty/](http://www.aspe.hhs.gov/poverty/). See also Bulletin 342, "Determination of 'gainful occupation' for permanent total disability (PTD) evaluations."

#### **V. FATAL BENEFITS (ORS 656.204)**

For injuries that occurred on or after April 1, 1974, compute fatal benefits based on the SAWW in effect at the time of injury. Any increases in the amounts payable depend upon Retroactive Program benefit levels established by the Workers' Compensation Division.

Fatal benefits payable to a surviving spouse, domestic partner, and children for injuries occurring on or after Jan. 1, 2010, are computed in the following manner:

- The monthly benefit for a surviving spouse or domestic partner is 4.35 times 66 2/3 percent of the SAWW, or \$2,321.86.
- The monthly benefits for each child of the deceased who is substantially dependent on the spouse or domestic partner for support is 4.35 times 10 percent of the SAWW or \$348.26, until such child becomes 18 years of age\*.
- Children of the deceased, who are not substantially dependent on the surviving spouse or domestic partner for support, are entitled to monthly benefits paid in an amount equal to 4.35 times 25 percent of the SAWW, or \$870.65 for each child, until the child becomes 18 years of age\*. See ORS 656.204(2)(c).
- Children or dependents of the deceased that have no surviving parent are entitled to monthly benefits paid in an amount equal to 4.35 times 66 2/3 percent of the SAWW, or \$2,321.86 for each child, while attending higher education. Benefits are payable until the child or dependent becomes 23 years of age, ceases attending higher education or graduates from an approved institute or program, whichever is earlier. See ORS 656.204(8)(b).
- In no event shall the total monthly benefit paid exceed 4.35 times 133 1/3 percent of the SAWW, or \$4,643.36.

\*Please refer to ORS 656.204 in order to determine benefit levels applicable to situations other than those described in ORS 656.204(2)(b) and (c).

#### **Funeral expenses and final disposition of the body**

The insurer shall pay funeral expenses (including transportation of the body) and other expenses related to the final disposition of the body in an amount not to exceed 20 times the SAWW, or \$16,012.00. 60 days after acceptance, any remaining unpaid portion of this benefit shall be paid to the estate of the worker.

**Remarriage or domestic partnership allowance**

Regardless of the date of injury or death of the worker, a surviving spouse or domestic partner who remarries or enters into a subsequent domestic partnership, is entitled to an allowance, currently 36 times the spouse or domestic partner's monthly benefit, payable in a lump sum. The monthly payments for each child shall continue as before.

If you have questions about this bulletin, please contact a Benefit Consultant at 503-947-7585.

/s/ John L. Shilts

John L. Shilts, Administrator  
Workers' Compensation Division

Distribution: WCD-BT, S0, S1, LY

Attachments: Average Weekly Wage  
Weekly Maximums: TTD & PTD  
Monthly Maximums: Fatal Benefits  
PPD Benefits

### Average Weekly Wage

Fiscal Year	AWW	Percentage increase	Fiscal Year	AWW	Percentage increase
7-1-73 through 6-30-74	\$156.50	--	7-1-92 through 6-30-93	\$444.55	3.453%
7-1-74 through 6-30-75	\$166.34	6.288 %	7-1-93 through 6-30-94	\$478.95	7.738%
7-1-75 through 6-30-76	\$180.17	8.314 %	7-1-94 through 6-30-95	\$489.45	2.192%
7-1-76 through 6-30-77	\$195.18	8.331%	7-1-95 through 6-30-96	\$494.44	1.019%
7-1-77 through 6-30-78	\$213.78	9.530%	7-1-96 through 6-30-97	\$518.60	4.886%
7-1-78 through 6-30-79	\$224.16	4.855%	7-1-97 through 6-30-98	\$546.13	5.309%
7-1-79 through 6-30-80	\$241.70	7.825%	7-1-98 through 6-30-99	\$576.64	5.587%
7-1-80 through 6-30-81	\$261.32	8.118%	7-1-99 through 6-30-00	\$601.21	4.261%
7-1-81 through 6-30-82	\$286.88	9.781%	7-1-00 through 6-30-01	\$628.64	4.562%
7-1-82 through 6-30-83	\$304.60	6.177%	7-1-01 through 6-30-02	\$645.00	2.602%
7-1-83 through 6-30-84	\$316.23	3.818 %	7-1-02 through 6-30-03	\$650.96	0.924%
7-1-84 through 6-30-85	\$324.23	2.530%	7-1-03 through 6-30-04	\$665.10	2.172%
7-1-85 through 6-30-86	\$334.58	3.192%	7-1-04 through 6-30-05	\$688.56	3.527%
7-1-86 through 6-30-87	\$344.77	3.046%	7-1-05 through 6-30-06	\$712.96	3.544%
7-1-87 through 6-30-88	\$355.04	2.979%	7-1-06 through 6-30-07	\$721.43	1.188%
7-1-88 through 6-30-89	\$370.96	4.484%	7-1-07 through 6-30-08	\$756.80	4.903%
7-1-89 through 6-30-90	\$388.99	4.860%	7-1-08 through 6-30-09	\$790.38	4.437%
7-1-90 through 6-30-91	\$406.54	4.512%	7-1-09 through 6-30-10	\$800.60	1.293%
7-1-91 through 6-30-92	\$429.71	5.699%			

Fiscal Year (or as listed)	Weekly Maximums			
	TTD			PTD
	Injuries 7-1-73 — 6-30-75 80% of SAWW	Injuries 7-1-75 — 12-31-01 100% of SAWW	Injuries 1-1-02 — current 133% of SAWW	Worker Weekly Maximum
7-1-73 — 6-30-74	\$125.20	-	-	\$104.34
7-1-74 — 6-30-75	\$133.07	-	-	\$110.90
7-1-75 — 6-30-76	\$144.14	\$180.17	-	\$180.17
7-1-76 — 6-30-77	\$156.14	\$195.18	-	\$195.18
7-1-77 — 6-30-78	\$171.02	\$213.78	-	\$213.78
7-1-78 — 6-30-79	\$179.33	\$224.16	-	\$224.16
7-1-79 — 6-30-80	\$193.36	\$241.70	-	\$241.70
7-1-80 — 6-30-81	\$209.06	\$261.32	-	\$261.32
7-1-81 — 6-30-82	\$229.50	\$286.88	-	\$286.88
7-1-82 — 6-30-83	\$243.68	\$304.60	-	\$304.60
7-1-83 — 6-30-84	\$252.98	\$316.23	-	\$316.23
7-1-84 — 6-30-85	\$259.38	\$324.23	-	\$324.23
7-1-85 — 9-19-85	\$267.66	\$334.58	-	\$334.58
9-20-85 — 6-30-86	\$267.66	\$334.58	-	\$334.58
7-1-86 — 6-30-87	\$275.82	\$344.77	-	\$344.77
7-1-87 — 6-30-88	\$284.03	\$355.04	-	\$355.04
7-1-88 — 6-30-89	\$296.77	\$370.96	-	\$370.96
7-1-89 — 6-30-90	\$311.19	\$388.99	-	\$388.99
7-1-90 — 6-30-91	\$325.23	\$406.54	-	\$406.54
7-1-91 — 6-30-92	\$343.77	\$429.71	-	\$429.71
7-1-92 — 6-30-93	\$355.64	\$444.55	-	\$444.55
7-1-93 — 6-30-94	\$383.16	\$478.95	-	\$478.95
7-1-94 — 6-06-95	\$391.56	\$489.45	-	\$489.45
6-7-95 — 6-30-95	\$391.56	\$489.45	-	\$489.45
7-1-95 — 6-30-96	\$395.55	\$494.44	-	\$494.44
7-1-96 — 6-30-97	\$414.88	\$518.60	-	\$518.60
7-1-97 — 6-30-98	\$436.90	\$546.13	-	\$546.13
7-1-98 — 6-30-99	\$461.31	\$576.64	-	\$576.64
7-1-99 — 6-30-00	\$480.97	\$601.21	-	\$601.21
7-1-00 — 6-30-01	\$502.91	\$628.64	-	\$628.64
7-1-01 — 12-31-01	\$516.00	\$645.00	-	\$645.00
1-1-02 — 6-30-02	\$516.00	\$645.00	\$857.85	\$645.00
7-1-02 — 6-30-03	\$520.77	\$650.96	\$865.78	\$650.96
7-1-03 — 6-30-04	\$532.08	\$665.10	\$884.58	\$665.10
7-1-04 — 6-30-05	\$550.85	\$688.56	\$915.78	\$688.56
7-1-05 — 6-30-06	\$570.37	\$712.96	\$948.24	\$712.96
7-1-06 — 6-30-07	\$577.14	\$721.43	\$959.50	\$721.43
7-1-07 — 6-30-08	\$605.44	\$756.80	\$1006.54	\$756.80
7-1-08 — 6-30-09	\$632.30	\$790.38	\$1051.21	\$790.38
7-1-09 — 6-30-10	\$640.48	\$800.60	\$1064.80	\$800.60

Fiscal Year (or as listed)	Monthly Maximums					
	FATAL					
	Spouse w/child	Benefits w/o child	Child Benefits 656.204(2)(b)	Child Benefits 656.204(2)(c)	Child Benefits 656.204(8)(b)	Family Maximums
7-1-73 — 6-30-74	\$ 340.39	\$ 340.39	-	-	-	\$ 680.78
7-1-74 — 6-30-75	\$ 361.79	\$ 361.79	-	-	-	\$ 723.58
7-1-75 — 6-30-76	\$ 391.87	\$ 391.87	-	-	-	\$ 783.74
7-1-76 — 6-30-77	\$ 424.52	\$ 424.52	-	-	-	\$ 849.03
7-1-77 — 6-30-78	\$ 464.97	\$ 464.97	-	-	-	\$ 929.94
7-1-78 — 6-30-79	\$ 487.55	\$ 487.55	-	-	-	\$ 975.10
7-1-79 — 6-30-80	\$ 525.70	\$ 525.70	-	-	-	\$1051.40
7-1-80 — 6-30-81	\$ 568.37	\$ 568.37	-	-	-	\$1136.74
7-1-81 — 6-30-82	\$ 623.97	\$ 623.97	-	-	-	\$1247.93
7-1-82 — 6-30-83	\$ 662.51	\$ 662.51	-	-	-	\$1325.01
7-1-83 — 6-30-84	\$ 687.80	\$ 687.80	-	-	-	\$1375.60
7-1-84 — 6-30-85	\$ 705.20	\$ 705.20	-	-	-	\$1410.40
7-1-85 — 9-19-85	\$ 727.71	\$ 727.71	-	-	-	\$1455.42
9-20-85 — 6-30-86	\$ 727.71	\$ 970.33	-	-	-	\$1940.52
7-1-86 — 6-30-87	\$ 749.88	\$ 999.88	-	-	-	\$1999.62
7-1-87 — 6-30-88	\$ 772.21	\$1029.67	-	-	-	\$2059.18
7-1-88 — 6-30-89	\$ 806.84	\$1075.84	-	-	-	\$2151.51
7-1-89 — 6-30-90	\$ 846.05	\$1128.13	-	-	-	\$2256.09
7-1-90 — 6-30-91	\$ 884.22	\$1179.02	-	-	-	\$2357.87
7-1-91 — 6-30-92	\$ 934.62	\$1246.22	-	-	-	\$2492.26
7-1-92 — 6-30-93	\$ 966.90	\$1289.26	-	-	-	\$2578.33
7-1-93 — 6-30-94	\$1041.72	\$1389.02	-	-	-	\$2777.84
7-1-94 — 6-06-95	\$1064.55	\$1419.48	-	-	-	\$2838.74
6-7-95 — 6-30-95	\$1419.48	\$1419.48	\$212.91	\$532.28	-	\$2838.74
7-1-95 — 6-30-96	\$1433.95	\$1433.95	\$215.08	\$537.70	-	\$2867.68
7-1-96 — 6-30-97	\$1504.02	\$1504.02	\$225.59	\$563.98	-	\$3007.80
7-1-97 — 6-30-98	\$1583.86	\$1583.86	\$237.57	\$593.92	-	\$3167.47
7-1-98 — 6-30-99	\$1672.34	\$1672.34	\$250.84	\$627.10	-	\$3344.43
7-1-99 — 6-30-00	\$1743.60	\$1743.60	\$261.53	\$653.82	-	\$3486.93
7-1-00 — 6-30-01	\$1823.15	\$1823.15	\$273.46	\$683.65	-	\$3646.02
7-1-01 — 12-31-01	\$1870.59	\$1870.59	\$280.58	\$701.44	-	\$3740.91
1-1-02 — 6-30-02	\$1870.59	\$1870.59	\$280.58	\$701.44	-	\$3740.91
7-1-02 — 6-30-03	\$1887.88	\$1887.88	\$283.17	\$707.92	-	\$3775.47
7-1-03 — 6-30-04	\$1928.89	\$1928.89	\$289.32	\$723.30	-	\$3857.48
7-1-04 — 6-30-05	\$1996.92	\$1996.92	\$299.52	\$748.81	-	\$3993.55
7-1-05 — 6-30-06	\$2067.69	\$2067.69	\$310.14	\$775.34	-	\$4135.06
7-1-06 — 6-30-07	\$2092.25	\$2092.25	\$313.82	\$784.56	-	\$4184.19
7-1-07 — 6-30-08	\$2194.83	\$2194.83	\$329.21	\$823.02	-	\$4389.33
7-1-08 — 6-30-09	\$2292.22	\$2292.22	\$343.82	\$859.54	-	\$4584.09
7-1-09 — 6-30-10	\$2321.86	\$2321.86	\$348.26	\$870.65	\$2321.86*	\$4643.36
*1-1-10 — 6-30-10						

## PPD Benefits

**Permanent disability awards are based on the date of injury as follows:**

Date of injury	Scheduled dollars per degree	Unscheduled dollars per degree		
		0 — 96 degrees	96.1 — 192 degrees	192.1 — 320 degrees
Prior to 1/1/92*	\$347.51	\$117.47	\$137.05	\$347.51
1/1/92 — 6/30/92	\$305.09	\$103.13	\$120.32	\$305.09
7/1/92 — 6/30/93	\$315.63	\$106.69	\$124.47	\$315.63
7/1/93 — 6/30/94	\$331.41	\$112.03	\$130.70	\$331.41
7/1/94 — 6/30/95	\$347.51	\$117.47	\$137.05	\$347.51
7/1/95 — 12/31/95	\$351.05	\$118.67	\$138.44	\$351.05
Date of injury	Scheduled dollars per degree	Unscheduled dollars per degree		
		0 — 64 degrees	64.1 — 160 degrees	160.1 — 320 degrees
1/1/96 — 12/31/97	\$420.00	\$130.00	\$230.00	\$625.00
1/1/98 — 12/31/99	\$454.00	\$137.80	\$243.80	\$662.50
1/1/00 — 12/31/01	\$511.29	\$153.00	\$267.44**	\$709.79
1/1/02 — 12/31/04	\$559.00	\$184.00	\$321.00	\$748.00
Date of injury	State average weekly wage	<i>The terms “scheduled,” “unscheduled,” and “degrees” do not apply to dates of injury on or after 1/1/05. “Impairment” means the permanent, compensable loss of use or function of a body part or system expressed as a percentage of the whole person. Impairment benefits are based on the worker’s impairment and the Oregon (state) average weekly wage. “Work disability” means the separate computation of impairment as modified by factors for age, education, and adaptability to perform the job at which the worker was injured. Work disability benefits, if payable, are based on the worker’s impairment and wage at injury. (See ORS 656.214 for a more complete description.)</i>		
1/1/05 — 6/30/05	\$688.56			
7/1/05 — 6/30/06	\$712.96			
7/1/06 — 6/30/07	\$721.43			
7/1/07 — 6/30/08	\$756.80			
7/1/08 — 6/30/09	\$790.38			
7/1/09 — 6/30/10	\$800.60			

\* Claims closed prior to 6/7/95, with dates of injury prior to 1/1/92, were paid at the rate *in effect at the time* of injury. These rates differ from the amounts shown on this chart.

\*\* These rates previously reflected a transposition error affecting the middle tier, as established by ORS 656.214, effective 1/1/00. Senate Bill 485 (2001) corrected this error and the corrected rates apply to all awards made on or after 7/31/01.