

CHEAT SHEET AS OF 10/1/23

Section 1 Calculating AWW

Generally, use the employee's 52 weeks of earnings prior to the industrial injury. Where the employee failed to work a full 52 weeks, many methods are permitted. Usually, divide the number of weeks worked from the gross wages if the employee has a reasonable sample of weeks. The insurer can demand a comparable employee or look at past work history.

If the employee is a **seasonal worker** (bus driver, landscaper, outdoor painter, lifeguard) then the gross wages must be divided by 52 weeks and NOT the number of weeks actually worked. A good indication of a seasonal employee is s/he is laid off and collecting unemployment yearly.

(Ex. Gross wages of bus driver is \$25,000, actually worked 38 weeks, the AWW is \$480.76) (\$25,000 / 52) and **NOT** \$657.89

Section 34 Temporary Total Weekly Benefits – 156 weeks

60% of the employee's AWW (ex: Gross wages \$1,000; Section 34 rate is \$600)
(Ex. AWW of \$1,000 x .60)

MAX: The employee's Section 34 rate can't exceed the state maximum set October 1st.
(Ex. Gross wages of \$2,500; for injuries on or after 10/01/23 SAWW is \$1,796.72).

MIN: The minimum of \$359.34 applies if the AWW is higher than \$359.34 and when you x 60% it drops below. The employee gets the \$359.34. (Ex. Gross wages of \$400; for injuries on or after 10/01/23 minimum is \$359.34. Section 34 rate is actually \$359.34 and NOT \$240). If his/her AWW is \$300.00 the employee gets \$300 as his/her Section 34 rate and \$225.00 as the maximum Section 35 rate.

Section 35 Temporary Partial Weekly Benefits – 260 weeks (more or less)

Maximum partial is 75% of the Section 34 rate above. If very low wages call me.*

(Ex. AWW of \$1,000, Section 35 maximum is \$450.00; (\$1,000. x .60 = \$600 x .75 = \$450.00)
OR (\$600.00 x .75 = \$450.00)

OR When employee is currently working and making less
(Ex. Current earnings (CE) - AWW x 60%) but (not to exceed max partial amount)

(Ex. Prior AWW = \$1,000; CE = \$500; Sec. 35 = \$300.00; **Max 35 = \$450**)
(\$1,000 - \$500 = \$500. \$500 x .60 = \$300.00) but if CE=\$100, Sec. 35 = \$450 **NOT 540***)

Current SAWW as of 10/01/23

Maximum **\$1,796.72** Minimum **\$359.34**
NEW Mileage: as of 5/15/2022 \$0.585
Mileage: old - **Effective 8/1/08:** \$0.45 a mile

Commencement of Benefits or Denial: 14 days of receipt by insurer of either Form 101 or 110
If decision is to deny. 14 days of receipt by insurer File Form 104..