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BODY PART AFFECTED	WEEKS PAYABLE
Loss of thumb	60
Loss of first finger	35
Loss of second finger	30
Loss of third finger	25
Loss of fourth finger	20
Loss of hand	190
Loss of arm	250
Loss of great toe	40
Loss of any other toe	15
Loss of foot	150
Loss of leg	220
Loss of eye	140
Loss of hearing in one ear	50
Loss of hearing in both ears	175
Permanent disfigurement, face or head	150
Body as a whole/industrial disability	500
Shoulder	400

**MAXIMUM WEEKLY BENEFITS**

DATES	TTD/HP	PPD	PTD/DEATH
07/01/14 to 06/30/15	\$1,572.00	\$1,447.00	\$1,572
07/01/15 to 06/30/16	\$1,628.00	\$1,498.00	\$1,628
07/01/16 to 06/30/17	\$1,688.00	\$1,553.00	\$1,688
07/01/17 to 06/30/18	\$1,720.00	\$1,583.00	\$1,720
07/01/18 to 06/30/19	\$1,765.00	\$1,623.33	\$1,765
07/01/19 to present	\$1,819.00	\$1,673.00	\$1,819

**SCHEDULED INJURY PPD EXAMPLE:**

Date of Accident	07/01/19
AWW	\$850.00
HP/TTD Rate	\$569.30
PPD Rate	\$569.30
(Based on married, 3 exemptions)	
Arm injury, weeks	250
Impairment/Disability Rating	10%
PPD Weeks Owed (250 wks x 0.10)	25 weeks
Total PPD Owed	<b>\$14,232.50 (25 wks x \$569.30)</b>

**INDUSTRIAL DISABILITY EXAMPLE:**

Date of Accident	07/01/19
AWW	\$850.00
HP/TTD Rate	\$569.30
PPD Rate	\$569.30
(Based on married, 3 exemptions)	
Back injury, max weeks	500
Industrial Disability	20%
Calculation	(500 x .20 = 100 x \$569.30)

**MILEAGE RATE**

DATES	RATE
07/01/16 to 06/30/17	\$0.540
07/01/17 to 06/30/18	\$0.535
07/01/18 to 06/30/19	\$0.545
07/01/19 to present	\$0.580

**DAYS OF A 7 DAY WEEK  
EXPRESSED AS A DECIMAL**

1/7	0.143
2/7	0.286
3/7	0.429
4/7	0.571
5/7	0.714
6/7	0.857

**Scheduled Injuries** computed based on number of weeks on schedule multiplied by impairment rating and paid at claimant's applicable PPD rate from the Ratebook.

**Body as a Whole Injuries** computed based on percentage of industrial disability multiplied by 500 weeks and paid at claimant's applicable PPD rate from the Ratebook.

## COMPENSABILITY ACCIDENT OR INJURY

An injury in Iowa includes injuries which occur not through the natural building up and tearing down of the human body, but because of a traumatic event or other hurt or damage to the health or body of an employee.

For an injury to be "arising out of" employment there must be a causal connection between the employment and the injury.

The injury arises "in the course of" the employment when the injury and the employment coincide as to time, place, and circumstances.

## CALCULATING BENEFITS

The basis for most benefits in the Iowa Workers' Compensation system is the compensation rate. The compensation rate is a function of the employee's average weekly wage ("AWW"), pursuant to Iowa Code § 85.36. The average weekly wage is generally calculated based on the thirteen weeks of wages prior to the date of injury. All of the employee's wages earned during the thirteen week period are added up and then divided by thirteen to determine the employee's average weekly wage.

As a general rule, the compensation rate is 80% of the employee's weekly spendable earnings, subject to a maximum amount set by the Division of Workers' Compensation. The Ratebook is published every year to set forth the correct compensation rates.

## PENALTY

If benefits are delayed, denied or terminated without a reasonable excuse, the employee is entitled to a penalty of up to 50%.

## TYPES OF BENEFITS

### TEMPORARY TOTAL DISABILITY

Temporary total disability benefits are paid for the time an employee is completely unable to perform his or her regular work due to an injury. The benefits are payable until the employee has returned to work, is medically capable of returning to substantially similar work as the employee was performing at the time of injury, or reaches Maximum Medical Improvement ("MMI")

### IMPORTANT CONSIDERATIONS

- No limit to number of weeks
- Notice must be given at least 30 days before benefits are terminated unless the employee has returned to work.

### PERMANENT TOTAL DISABILITY

Permanent total disability benefits are available when a worker cannot earn wages in the same or similar work that he or she was trained for, or earn wages for any other kind of work which a person of their mentality and attainments could do.

### IMPORTANT CONSIDERATIONS

- Benefits are payable weekly for life if the injury prevents the employee's return to work.
- PTD benefits are payable until the employee is no longer permanently and totally disabled.

### PERMANENT PARTIAL DISABILITY

Permanent partial disability benefits start when the employee reaches MMI and the extent of loss or percentage of permanent impairment can be determined.

Permanent partial disability is calculated in Iowa using a three variable equation:  
[Compensation Rate] x [# of weeks] x [% of disability] = PPD Award

### IMPORTANT CONSIDERATIONS

- PPD benefits for scheduled injuries are payable in accordance with the schedule provided above.
- Body as a Whole injuries are payable based on the employee's industrial disability.
- PPD benefits paid during a healing period cannot exceed an amount equal to 200% of the statewide average weekly wage, which varies by year.

## DEATH BENEFITS

### ELIGIBILITY FOR DEATH BENEFITS

When death results from the injury, the employer shall pay the dependents who were wholly dependent on the employee for support at the time of the injury, during their lifetime, compensation upon the basis of eighty percent per week of the employee's average weekly spendable earnings, commencing from the date of death.

### THE EXTENT OF DEATH BENEFITS

In typical situations, the surviving spouse is entitled to benefits for his or her lifetime, or until he or she remarries, at which time he or she will receive two years of benefits in a lump sum payment.

Minor children are entitled to a percentage of benefits until they reach eighteen (18) years of age, or twenty-five (25) if enrolled full-time in an accredited educational institution, or if the child is actually dependent.

Other children or other dependents who were physically or mentally incapacitated from earning at the time of the employee's death are entitled to benefits for the duration of their incapacity from earning.

The employer is responsible to pay the expenses of last illness and reasonable burial expenses up to 12 times the Statewide Average Weekly Wage at the time of the employee's death.

The employer must also pay \$12,000.00 to the Iowa Second Injury Fund if the employee died with dependents or \$45,000 if the employee died without dependents.

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BODY PART AFFECTED	WEEKS PAYABLE
Disability, body as a whole	300
Shoulder/Arm*	225
Hand	175
Leg**	215
Foot	150
Eye	125
Loss of hearing in one ear	50
Ear	25
Nose	50
Thumb	60
First phalange of thumb	30
Half of first phalange of thumb	15
First finger (index)	35
First phalange of first finger	17.5
Half of first phalange of first finger	8.75
Second finger (middle)	30
First phalange of second finger	15
Half of first phalange of second finger	7.5
Third finger (ring)	20
First phalange of third finger	10
Half of first phalange of third finger	5
Fourth finger (little)	15
First phalange of fourth finger	7.5
Half of first phalange of fourth finger	3.75
Great toe	30
First phalange of great toe	15
Any other toe	10
First phalange of any other toe	5

\* Injury between elbow and hand considered hand, requiring conversion of arm rating to hand rating.

\*\* Injury between knee and foot considered foot, requiring conversion of leg rating to foot rating.

#### SCHEDULED INJURY PPD EXAMPLE:

Date of Accident	01/01/20 (Max PPD Rate \$882)
Upper Extremity	225 Wks
Percent of disability	.10%
Average weekly wage paid	\$600.00
Calculation	
Average Weekly Wage (for PPD)	\$400 (\$600 x 2/3)
PPD Weeks Owed (225 Weeks x .10)	22.5 Wks
Total PPD Owed	<b>\$9,000.00 (22.5 Wks x \$400.00)</b>

#### BODY AS A WHOLE PPD EXAMPLE:

Body as a Whole	300 Wks
Loss of Earning Capacity	35%
Average Weekly Wage	\$600
Compensation Rate (PPD)	(\$600 x 2/3)=\$400
Total Weeks Indemnity Paid	25
Calculation	(275 x \$400 x .35)

#### MAXIMUM WEEKLY INDEMNITY BENEFITS

DATES	RATE
01/01/11 to 12/31/11	\$698.00
01/01/12 to 12/31/12	\$710.00
01/01/13 to 12/31/13	\$728.00
01/01/14 to 12/31/14	\$747.00
01/01/15 to 12/31/15	\$761.00
01/01/16 to 12/31/16	\$785.00
01/01/17 to 12/31/17	\$817.00
01/01/18 to 12/31/18	\$831.00
01/01/19 to 12/31/19	\$855.00
01/01/20 to present	\$882.00

#### DAYS OF A 7 DAY WEEK EXPRESSED AS A DECIMAL

1/7	0.14
2/7	0.29
3/7	0.43
4/7	0.57
5/7	0.71
6/7	0.86

#### MILEAGE RATE

DATES	RATE
01/01/09 to 12/31/09	\$0.550
01/01/10 to 12/31/10	\$0.500
01/01/11 to 06/30/11	\$0.510
07/01/11 to 12/31/12	\$0.555
01/01/13 to 12/31/13	\$0.565
01/01/14 to 12/31/14	\$0.560
01/01/15 to 12/31/15	\$0.575
01/01/16 to 12/31/16	\$0.540
01/01/17 to 12/31/17	\$0.535
01/01/18 to 12/31/18	\$0.545
01/01/19 to 12/31/19	\$0.580
01/01/20 to present	\$0.575

**Scheduled Injuries** calculated by the number of weeks on each specific scheduled member multiplied by impairment rating, paid at 2/3 average weekly wage. No credit for weeks of TTD which have been paid

**Whole Body Injuries** computed on basis of loss of earning capacity, paid over 300 weeks. Credit for TTD weeks paid (if 25 weeks of TTD were paid prior to MMI, then only 275 [300 weeks - 25 weeks] are owed for PPD).

## COMPENSABILITY

### ACCIDENT OR INJURY

An injury is defined as one which has arisen out of and in the course of his or her employment. An injury is only compensable when the injury arises from an accident or occupational disease.

The accident requirement is satisfied if the cause of the injury was of accidental character or the effect was unexpected or unforeseen, and happened suddenly and violently.

An injury is deemed to "arise out of" the employment when the injury resulted from the risks arising within the scope of the employee's job. The term "in the course of" employment refers to the time, place, and circumstances surrounding the accident.

### CALCULATING BENEFITS

The basis for most benefits in the Nebraska Workers' Compensation system is the compensation rate. The compensation rate is a function of the employee's average weekly wage ("AWW"), pursuant to Neb. Rev. Stat. §48-121. The average weekly wage is calculated based on the twenty-six weeks of wages prior to the date of injury. All of the employee's wages earned during the twenty-six week period are added up and then divided by twenty-six to determine the employee's average weekly wage.

As a general rule, the compensation rate is two-thirds of the employee's average weekly wage as of the date of injury up to a certain maximum amount. The maximum amount is adjusted each year.

## TYPES OF BENEFITS

### TEMPORARY TOTAL DISABILITY

Temporary total disability benefits are those paid to an employee during "healing periods" when the employee is unable to return to work. The benefits are payable until the employee returns to work or reaches Maximum Medical Improvement ("MMI")

#### IMPORTANT CONSIDERATIONS

- An employee is entitled to benefits while undergoing physical or medical rehabilitation, or vocational rehabilitation;
- TTD benefits cease if the employee secures alternative employment, or is terminated for cause

### PERMANENT TOTAL DISABILITY

Under the Nebraska Workers' Compensation Law, total disability means that a worker cannot earn wages in the same or similar work that he or she was trained for, or earn wages for any other kind of work which a person or their mentality and attainments could do.

#### IMPORTANT CONSIDERATIONS

- PTD is owed to the employee for life, paid on a weekly basis.
- A lump-sum settlement is allowed based on the present value of the PTD award.
- Lump sum settlements for PTD awards need to be filed with and approved by the Court.

## PERMANENT PARTIAL DISABILITY

Permanent partial disability is a disability that is permanent in nature and partial in degree. This disability must be demonstrated and certified by a physician, and based upon a reasonable degree of medical certainty.

Permanent partial disability is calculated in Nebraska using a three variable equation:

$$[\text{Compensation Rate}] \times [\# \text{ of weeks}] \times [\% \text{ of disability}] = \text{PPD Award}$$

#### IMPORTANT CONSIDERATIONS

- Weekly benefits are allowed up to the maximum weekly benefit specified by statute, and varies per year.
- A credit is imposed for benefits paid for total disability followed by partial disability.
- Lump-sum settlements are permitted, but may need to be filed and approved by the Court in some situations.

## DEATH BENEFITS

### ELIGIBILITY FOR DEATH BENEFITS

After the death of an employee who suffered a work-related injury, the employee's widow(er) and/or dependent children may become entitled to benefits.

### THE EXTENT OF DEATH BENEFITS

In typical situations, the surviving spouse is entitled to benefits for his or her lifetime, or until he or she remarries, at which time he or she will receive two years of benefits in a final lump sum payment.

Minor children are entitled to a percentage of death benefits until they reach nineteen (19) years of age, or twenty-five (25) if enrolled full-time in an educational capacity, or if the child is physical or mentally incapable of self-support.

The employer is responsible to pay up to \$10,000.00 in reasonable burial expenses.

#### IMPORTANT CONSIDERATIONS

- Death benefits should be paid weekly to the surviving spouse and/or dependents.
- Lump sum settlements are allowed if filed with and approved by the Workers' Compensation Court.

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BODY PART AFFECTED	WEEKS PAYABLE
Disability, body as a whole	400
Arm at Shoulder	232
Arm between shoulder and elbow joint	222
Arm at elbow joint	210
Arm between elbow joint and wrist	200
Hand at wrist joint	175
Thumb at proximal joint	60
Thumb at distal joint	45
Index finger at proximal joint	45
Index finger at second joint	35
Index finger at distal joint	30
Middle or ring finger at proximal joint	35
Middle or ring finger at second joint	30
Middle or ring finger at distal joint	26
Little finger at proximal joint	22
Little finger at second joint	20
Little finger at distal joint	16
One leg at hip joint	207
One leg at or above knee	160
One leg at or above ankle and below knee joint	155
One foot at tarsus	150
One foot at metatarsus	110
Great toe of one foot at proximal joint	40
Great toe of one foot at distal joint	22
Any other toe at proximal joint	14
Any other toe at second joint	10
Any other toe at distal joint	8
Complete deafness in both ears	180
Complete deafness in one ear	49
Complete loss of sight in one eye	140

**MAXIMUM WEEKLY BENEFITS**

DATES	TTD	PPD	PTD
07/01/06 to 06/30/07	\$718.87	\$376.55	\$718.87
07/01/07 to 06/30/08	\$742.72	\$389.04	\$742.72
07/01/08 to 06/30/09	\$772.53	\$404.66	\$772.53
07/01/09 to 06/30/10	\$807.48	\$422.97	\$807.48
07/01/10 to 06/30/11	\$799.11	\$418.58	\$799.11
07/01/11 to 06/30/12	\$811.73	\$425.19	\$811.73
07/01/12 to 06/30/13	\$827.75	\$433.58	\$827.75
07/01/13 to 06/30/14	\$853.08	\$446.85	\$853.08
07/01/14 to 06/30/15	\$861.04	\$451.02	\$861.04
07/01/15 to 06/30/16	\$886.92	\$464.58	\$886.92
07/01/16 to 06/30/17	\$911.27	\$477.33	\$911.27
07/01/17 to 06/30/18	\$923.01	\$483.48	\$923.01
07/01/18 to 06/30/19	\$947.64	\$496.38	\$947.64
07/01/19 to 06/30/20	\$981.65	\$514.20	\$981.65

**MILEAGE RATE**

DATES	RATE
07/01/12 to 06/30/13	\$0.525
07/01/13 to 06/30/14	\$0.535
07/01/14 to 06/30/15	\$0.530
07/01/15 to 06/30/16	\$0.545
07/01/16 to 06/30/17	\$0.510
07/01/17 to 06/30/18	\$0.505
07/01/18 to 06/30/19	\$0.515
07/01/19 to 06/30/20	\$0.550

\*Mileage limited to 250 miles each way.

**WEEKS EXPRESSED AS A DECIMAL**

1/7	0.14
2/7	0.29
3/7	0.43
4/7	0.57
5/7	0.71
6/7	0.86

**WORKERS' COMPENSATION BENEFITS**

Date of Accident Bodily Injury	07/01/19
Weeks	400
Percent of Disability	25%
Weeks of TTD paid	25
Max. TTD Rate	\$947.64
Max. PPD Rate	\$496.38
Min. Wkly Wage for Max. Benefit	\$1,421.45

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
DIVISION OF WORKERS' COMPENSATION

**CHART NO. 1  
PERMANENT PARTIAL DISABILITY SCHEDULE**

Visual Chart Showing Number of Weeks of Compensation Payable for Permanent Partial Disabilities under the MISSOURI WORKERS' COMPENSATION ACT. When Used in conjunction with a member's ability to perform or loss of use, the number of weeks indicated on the chart for each member is increased by two (2) per cent.

Complete Loss of Sight in One Eye = 140

Complete Deafness Both Ears = 180 (Occupational) = 180

One Ear = 49 (Occupational) = 49

LEG FOOT ARM HAND ENTIRE PERSON

MS-100-0000-01  
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## COMPENSABILITY ACCIDENT OR INJURY

An injury is defined as one which has risen out and in the course and scope of employment. An injury by accident is compensable only if the accident was the prevailing factor in causing both the resulting medical condition and disability.

An injury shall be deemed to arise out of and in the course and scope of employment only if:

- It is reasonably apparent, upon consideration of all the circumstances, that the accident is the prevailing factor in causing the injuries;
- It does not come from a hazard or risk unrelated to the employment to which the employee would have been equally exposed outside of and unrelated to the employment in the normal course of life;
- An injury resulting directly or indirectly from idiopathic causes is not compensable;
- A cardiovascular, pulmonary, respiratory, or other disease, suffered by an employee is an injury only if the accident is the prevailing factor in causing the resulting medical condition.

An injury is not compensable because the employment was a triggering or precipitating factor.

## CALCULATING BENEFITS

The basis for most benefits in the Missouri Workers' Compensation system is the compensation rate. The compensation rate is a function of the employee's average weekly wage, pursuant to Section 287.250 of the Workers' Compensation Act. Specifically, the average weekly wage is calculated based on the thirteen weeks of wages prior to the date of injury. All of the employee's wages earned during the thirteen week period are added up and then divided by thirteen to determine the employees' average weekly wage.

As for the compensation rate, as a general rule, the compensation rate is two-thirds of the employee's average weekly wage as of the date of injury up to a certain maximum amount. The maximum amount is adjusted each year and is variable based on the type of benefit the employee may be entitled.

## TYPES OF BENEFITS

### PERMANENT PARTIAL DISABILITY

Permanent partial disability is a disability that is permanent in nature and partial in degree. This disability must be demonstrated and certified by a physician, and based upon a reasonable degree of medical certainty.

Permanent partial disability is calculated in Missouri using a three-variable equation:

$[\text{Compensation Rate}] \times [\text{Number of weeks}] \times [\text{Percentage of disability}] = [\text{Permanent Partial Disability Award}]$ .

### IMPORTANT CONSIDERATIONS

- For minor injuries, the Administrative Law Judge (ALJ) may allow settlement without a formal rating report;
- Part-time employees must use "same or similar" full-time employee's wages (for PPD only);
- No credit for Temporary Total Disability benefits paid;
- There are no caps for benefits.

### TEMPORARY TOTAL DISABILITY

Temporary total disability benefits are those paid to an employee during "healing periods" when the employee is unable to return to work. TTD benefits are not payable unless the employee has been unable to work for three or more days. After that, the benefits are payable until the employee either returns to work or reaches Maximum Medical Improvement ("MMI")

### IMPORTANT CONSIDERATIONS

- Do not include wages from other employers;
- Temporary Total Disability benefits may not be owed if the employee is terminated for cause;
- There is a three day waiting period with benefits paid for those three days if the employee is off of work for fourteen (14) days.

### PERMANENT TOTAL DISABILITY

Under the Missouri Workers' Compensation Law, the term "total disability" means that an employee is unable to return to "any employment and not merely the employment in which the employee was engaged in at the time of the accident." Courts have interpreted an inability to return to "any employment" to mean that after considering the manner that duties are customarily performed by the average person holding such a job, the employee is unable to perform the usual duties of employment.

### IMPORTANT CONSIDERATIONS

- Benefits are paid weekly over the employee's lifetime;
- Missouri law allows lump sum settlements based on a present value of a permanent total award;
- If the permanent total disability is the result of the work-related accident and a pre-existing condition, rather than the work accident alone, the Second Injury Fund would be liable for the permanent total award.

## DEATH BENEFITS

### ELIGIBILITY FOR DEATH BENEFITS

After the death of an employee who suffered a work-related injury, the employee's surviving spouse, and/or dependent children, may become entitled to benefits. A surviving spouse and/or dependent children can claim a benefit under the following circumstances:

- If the employee dies because of the work-related injury;
- If the employee is still employable after the work-related injury but then suffers a permanent partial disability while at work and subsequently dies from a cause unrelated to the work injury;
- The employee suffers permanent total disability from a work-related injury and then dies from a cause unrelated to the work injury.

### THE EXTENT OF DEATH BENEFITS

In typical situations, a surviving spouse are entitled to a weekly benefit for his or her lifetime, or until he or she remarries, at which time he or she will also receive a lump-sum equal to two (2) years of benefits.

A dependent child receives benefits until he or she reaches eighteen (18) years of age, unless he or she is a full-time student, benefits may continue until the child is age twenty-two (22). Other factors may also affect the duration of death benefit payments, such as physical or mental incapacity.

Employer is responsible to pay funeral expenses up to \$5,000.00.

### IMPORTANT CONSIDERATIONS

- Weekly benefits are the preferred method of payment when an employee died because of a work-related accident or illness;
- Missouri law allows lump-sum settlements in certain limited situations.

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BODY PART AFFECTED	WEEKS PAYABLE
Disability, body as a whole	415
Shoulder	225
Arm	210
Forearm	200
Hand	150
Leg	200
Lower Leg	190
Foot	125
Eye	120
Hearing, both ears	110
Hearing, one ear	30
Thumb	60
1st (Index) finger	37
2nd (Middle) Finger	30
3rd (Ring) Finger	20
4th (Little) Finger	15
Great Toe	30
Each other toe	10

**WEEKS EXPRESSED  
AS A DECIMAL**

1/7	0.14
2/7	0.29
3/7	0.43
4/7	0.57
5/7	0.71
6/7	0.86

**MAXIMUM WEEKLY BENEFITS**

DATES	RATE	QUALIFYING WAGE
07/01/11 to 06/30/12	\$555.00	\$832.46
07/01/12 to 06/30/13	\$570.00	\$855.00
07/01/13 to 06/30/14	\$587.00	\$880.50
07/01/14 to 06/30/15	\$594.00	\$891.00
07/01/15 to 06/30/16	\$610.00	\$915.00
07/01/16 to 06/30/17	\$627.00	\$940.50
07/01/17 to 06/30/18	\$631.00**	\$946.50**
07/01/18 to 06/30/19	\$645.00	\$967.50
07/01/19 to 06/30/20	\$666.00	\$990.00

\*\*Revised by the State

**MILEAGE RATE**

DATES	RATE
07/01/15 to 06/30/16	\$0.570
07/01/16 to 06/30/17	\$0.540
07/01/17 to 06/30/18	\$0.535
07/01/18 to 06/30/19	\$0.545
07/01/19 to 06/30/20	\$0.580

**WORKERS' COMPENSATION  
BENEFITS**

Date of Accident Bodily Injury	07/01/19
Weeks	415
Percent of Disability	15%
Weeks of TTD paid	25
Average Weekly Wage	\$1,000.00
TTD Rate	\$666.00
PPD Rate	\$666.00

## COMPENSABILITY ACCIDENT OR INJURY

An injury is compensable only if it arises out of and in the course of employment. An injury is compensable only if the accident was the prevailing factor in causing the injury.

An injury is deemed to arise out of employment only if:

a. There is a causal connection between the conditions under which the work is required to be performed and the resulting accident; and

b. The accident is the prevailing factor causing the injury, medical condition, and resulting disability or impairment.

A repetitive trauma is deemed to arise out of employment only if:

a. Employment exposed the worker to an increased risk or hazard which the worker would not have been exposed to in normal non-employment life;

b. The increased risk or hazard to which the employment exposed the worker is the prevailing factor in causing the repetitive trauma; and

c. The repetitive trauma is the prevailing factor in causing both the medical condition and resulting disability or impairment.

## CALCULATING BENEFITS

An employee's Average Weekly Wage is calculated based on the twenty-six weeks of wages prior to the injury. All of the employee's wages earned during the twenty-six week period are added up and then divided by twenty-six.

"Wages" means the total of the money and any additional compensation that the employee receives. Additional compensation, such as board and lodging, insurance, or employer contributions to pension or profit sharing plans, is included if the additional compensation is discontinued following an injury.

Body as a Whole Injuries should deduct the weeks of TTD benefits paid (in excess of the first 15 weeks) from 415 weeks, then multiply by the percentage of impairment and by the compensation rate.

Work disability is possible if claimant has greater than 7.5% whole body impairment (or at least 10% if preexisting impairment) and is unable to earn comparable wage due to work accident. Work disability is the average of wage loss and loss of task performing abilities. Post-injury wage determined based on claimant's earning capability.

Preexisting impairment of function may be deducted from final rating. If prior injury is for same employer, credit is dollar-for-dollar based on current rates. If prior injury is for different employer, subtract preexisting percentage from final impairment rating.

## TYPES OF BENEFITS

### TEMPORARY TOTAL DISABILITY

Temporary total disability is available to an employee when the employee is completely and temporarily incapable of returning to work. TTD benefits may also be paid if an employer cannot accommodate the employee's temporary work restrictions. The benefits are payable until the employee returns to work or reaches Maximum Medical Improvement ("MMI")

### IMPORTANT CONSIDERATIONS

- Temporary benefits may terminate if the employee refuses accommodating work within their restrictions.
- An employee is not entitled to temporary total disability benefits if the employee is receiving unemployment.

- Temporary benefits cease when an employee is terminated for cause or voluntarily resigns if the employer could have accommodated the employee's temporary work restrictions.

### PERMANENT TOTAL DISABILITY

Under the Kansas Workers' Compensation law, permanent total disability means the employee is completely and permanent incapable of engaging in any type of substantial and gainful employment. An employee can only be permanently and totally disabled once in a lifetime.

### IMPORTANT CONSIDERATIONS

- Permanent total disability benefits are capped at \$155,000.00 (includes temporary benefits)

### PERMANENT PARTIAL DISABILITY

Permanent partial disability exists when the employee is disabled in a manner which is partial in character and permanent in quality. The extent of PPD is the percentage of functional impairment the employee sustained on account of the injury. The impairment should be determined based on the American Medical Association, 6th edition guides.

### IMPORTANT CONSIDERATIONS

- Temporary benefits can be subtracted from the maximum weeks for PPD benefits.
- Permanent partial disability benefits are capped at \$130,000.00 (including TTD or TPD)
- Benefits for functional impairment only are capped at \$75,000.00

## DEATH BENEFITS

### ELIGIBILITY FOR DEATH BENEFITS

In typical situations, the surviving spouse and/or wholly dependent children are entitled to death benefits. The surviving spouse is entitled to benefits for his or her lifetime, unless otherwise terminated

A conservatorship is required for minors entitled to death benefits.

### THE EXTENT OF DEATH BENEFITS

\$300,000.00 in death benefits are available for a surviving spouse and wholly dependent children.

\$100,000.00 in death benefits are available to all other dependents if there is no surviving spouse or wholly dependent children.

The employer is responsible for up to \$10,000.00 in burial expenses.

Minors are paid until the child graduates high school or turns 19, whichever happens earlier; full-time college students or disabled dependents may qualify until age 23 under the following circumstances:

- a. The Dependent child is not physically or mentally capable of earning wages in any type of substantial and gainful employment; or
- b. Dependent child is a student enrolled full-time in an accredited institution of higher education or vocational education.

### IMPORTANT CONSIDERATIONS

- Death benefits should be paid weekly to the surviving spouse and/or dependents.
- The surviving spouse's remarriage does not terminate their death benefits.