

**PERIODIC TABLE OF BASIC  
WORKERS' COMPENSATION  
ELEMENTS**

**2009**

**JARDINE**

ATTORNEYS AT LAW

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## TEMPORARY TOTAL DISABILITY

Before 4/28/57	Capped 310 weeks
4/28/57	Capped 350 weeks
8/1/75	Cap is lifted, unlimited TTD
1/1/84	TTD ends 90 days post service of MMI or retraining
10/1/95	TTD not to exceed 104 weeks (does not include periods while employee is in retraining)
10/1/00	Once employee paid 52 weeks TTD employer/insurer must notify employee in writing of 104 week limitation
10/1/08	TTD not to exceed 130 weeks (does not include periods while employee is in retraining)

## TEMPORARY PARTIAL DISABILITY

Before 4/28/57	Capped to 310 weeks after injury
4/28/57	Not beyond 350 calendar weeks after date of injury
8/1/74	Not to exceed 350 weeks (total weeks without regard to date of injury)
10/1/77	Cap is lifted, unlimited TPD
10/1/92	Capped—not to exceed 225 total weeks and in no event beyond 450 weeks after date of injury

## PERMANENT PARTIAL DISABILITY

### 1. For injuries prior to 1/1/84:

- a. Paid based on percentage loss of a specific body part
- b. Schedule (multiply percentage by number of weeks):

Selected sections of M.S. § 176.101, subd. 3:

Loss of hand not including wrist movement:.....	195 weeks
Loss of hand including wrist movement:.....	220 weeks
Loss of arm: .....	270 weeks
Loss of foot not including ankle movement: .....	140 weeks
Loss of foot including ankle movement: .....	165 weeks
Loss of leg:.....	220 weeks
Loss of eye:.....	160 weeks
Complete/permanent loss of hearing 1 ear: .....	85 weeks
Complete/permanent loss of hearing both ears:.....	170 weeks
Injury to back:.....	350 weeks

### 2. For injuries occurring 1/1/84—10/1/95:

- a. Paid based on loss of use of whole body
- b. Two permanent partial disability schedules:
  - 1) Old schedule effective through 6/30/93 (5223.0010-.0250)
  - 2) New schedule effective for injuries on or after 7/1/93 (5223.0300-.0650)

### c. Two-tiered system

ECONOMIC RECOVERY COMPENSATION		IMPAIRMENT COMPENSATION	
Percent of Disability	Weeks of Compensation	Percent of Disability	Amount of Compensation
0-25	600	0-25	\$ 75,000
26-30	640	26-30	80,000
31-35	680	31-35	85,000
36-40	720	36-40	90,000
41-45	760	41-45	95,000
46-50	800	46-50	100,000
51-55	880	51-55	120,000
56-60	960	56-60	140,000
61-65	1040	61-65	160,000
66-70	1120	66-70	180,000
71-100	1200	71-75	200,000
		76-80	240,000
		81-85	280,000
		86-90	320,000
		91-95	360,000
		96-100	400,000

### d. Combining multiple ratings. Formula (M.S. § 176.105):

$$A + B(1-A)$$

A = greater whole body impairment

B = lesser of whole body impairment for 2nd body part

Example: 14% WBI due to spine injury;

8% WBI due to knee injury;

$$.14 + .08(1-.14) = 20.88\% \text{ (not } 22\%)$$

### e. Conversion of pre-existing disability from disability to a specific body part of whole body disability

- 1) Determine maximum whole body disability assignable to pre-existing disability using tables found at 5223.0250
- 2) Multiply prior rating to a body part by the maximum whole body rating. Example: if prior rating to the back was 10%, the result would be 7.1% of the whole body:  $10\% \times 71 = 7.1\%$
- 3) Subtract percentage arrived at in Step 2 for current whole body rating. Example: if current rating is 14% amount due to new injury would be 6.9%:  $14\% - 7.1\%$

### 3. For injuries occurring 10/1/95—9/30/00:

- a. Two tier system eliminated (no E.R.C.)
- b. PPD paid periodically
- c. PPD paid per Impairment Comp. schedule (see 2c. above)

4. For injuries occurring 10/1/00—present:
  - a. PPD paid periodically or discounted lump sum at employee's request
  - b. PPD paid per revised schedule

**PERMANENT PARTIAL  
DISABILITY SCHEDULE**

Percent of Disability	Amount of Compensation
0-5	\$ 75,000
6-10	80,000
11-15	85,000
16-20	90,000
21-25	95,000
26-30	100,000
31-35	110,000
36-40	120,000
41-45	130,000
46-50	140,000
51-55	165,000
56-60	190,000
61-65	215,000
66-70	240,000
71-75	265,000
76-80	315,000
81-85	365,000
86-90	415,000
91-95	465,000
96-100	515,000

**PERMANENT TOTAL DISABILITY**

1. For injuries prior to 10/1/95:
  - a. Presumed P.T. (M.S. § 176.101, subd. 5)
    - total and permanent loss of sight in both eyes
    - loss of both arms at shoulder
    - loss of both legs with no ability to use artificial member
    - complete & permanent paralysis (includes paraplegics)
    - total & permanent loss of mental faculties
  - b. 1/1/84: Retirement presumed with receipt of Social Security—old age and survivors retirement benefits; Presumption rebuttable
  - c. Offset for benefits paid by any government disability program (Social Security, PERA) after \$25,000 in weekly total disability paid
  - d. Unless employee falls within category set forth in paragraph a, determination is a medical/vocational determination
2. For injuries on or after 10/1/95:
  - a. Thresholds:
    - at least 17% whole body impairment; or
    - at least 15% whole body impairment and at least 50 years old; or
    - at least 13% whole body impairment, at least 55 years old and not completed 12th grade or obtained GED (per *Frankhauser v. Fabcon, Inc.*, 57 WCD 239 (1997), retable impairments from any cause, occupational or non-occupational, may be combined to meet impairment thresholds)

- b. Vocational/medical determination after threshold is met
- c. Minimum PTD rate: 65% of SWAWW (see schedule under supplementary benefits below)
- d. Employee presumed retired at age 67 unless rebutted by employee
- e. Offset for benefits paid by any government disability program (Social Security, PERA) after \$25,000 in weekly total disability paid
- f. Social security offset may reduce benefits below 65% of SWAWW
- g. Social security offset includes children's benefits

**RETRAINING**

- 4/25/43: Not beyond 25 weeks
- 7/1/55: Not beyond 52 weeks
- 9/1/67: Up to 104 weeks additional compensation during actual period of retraining according to temporary total disability schedule
- 7/1/75: Up to 156 weeks of additional compensation during actual period of retraining according to schedule for temporary total disability
- 10/1/79: Up to 156 weeks of additional compensation; required to pay costs of implementing plan: tuition, books, travel, etc.; 125% of compensation rate during retraining
- 7/1/83: 25% provision deleted. Employee may petition for additional benefits not to exceed 25% of the compensation otherwise payable due to unusual or unique circumstances of the retraining plan
- 10/1/95: Request for retraining must be filed before 104 weeks of TTD or TPD paid. Employer/Insurer or TPA must inform Employee of the 104 week limitation in writing before 80 weeks of TTD or TTP paid (failure to provide notice will extend 104 week limitation and may result in penalty per M.S. § 176.102, subd. 11(d) )
- 10/1/00: Request for retraining must be filed 156 weeks of TTD or TPD paid. Employer/Insurer or TPA must inform Employee of the 156 week limitation in writing before 80 weeks of TTD or TTP paid (failure to provide notice will extend 156 week limitation and may result in penalty per M.S. § 176.102, subd. 11(d) )

**DEATH & DEPENDENCY BENEFITS**

- M.S. § 176.111
- a. Spouse, no dependent child: 50% of AWW for 10 years
  - b. Spouse, one dependent child: 60% of AWW until child no longer dependent, then 50% of AWW for additional 10 years
  - c. Spouse, two or more dependent children: 66% of AWW until last child is no longer dependent, then 50% of AWW for additional 10 years
  - d. Death benefits are subject to adjustment per M.S. § 176.645
  - e. Combined total of weekly government survivor benefits and workers' compensation death benefits shall not exceed AWW (as adjusted per M.S. § 176.645)
  - f. Minimum death benefit payable is \$60,000.00 (payable to dependents or, if none, to estate of employee)
  - g. Death, no dependents:
    - within 14 days of death, notice to estate of \$60,000.00 payment
    - payment must be made within 14 days of notice of appointment or personal representative

## COMPENSATION RATES

### MAXIMUM [M.S. § 176.101 AND M.S. § 176.111]

07-01-53	\$35.00	10-01-82	\$290.00
07-01-53	\$40.00	10-01-83	\$313.00
04-28-57	\$45.00	10-01-84	\$329.00
09-01-67	\$60.00	10-01-85	\$342.00
09-01-69	\$70.00	10-01-86	\$360.00
PP & TP	\$63.00	10-01-87	\$376.00
09-01-71	\$80.00	10-01-88	\$391.00
PP & TP	\$73.00	10-01-89	\$413.00
09-01-73	\$100.00	10-01-90	\$428.00
08-01-75	\$135.00	10-01-91	\$443.00
10-10-75	\$135.00 on fatals	105% of Statewide AWW	
100% of Statewide AWW		10-01-92	\$481.95
10-01-77	\$197.00	10-01-93	\$508.20
10-01-78	\$209.00	10-01-94	\$516.60
10-01-79	\$226.00	set by statute	
10-01-80	\$244.00	10-01-95	\$615.00
10-01-81	\$267.00	10-01-00	\$750.00
		10-01-08	\$850.00
		(and later)	

### MINIMUM [M.S. § 176.101 Subd.1)

07-01-53.....	\$17.50
20% of the Statewide AWW	
08-01-75.....	\$34.00
01-01-77.....	\$36.60

50% of the Statewide AWW or gross wage, whichever is less, but in no case less than 20% of the Statewide AWW

	<u>50%</u>	<u>20%</u>
10-01-77	\$ 98.50 (gross wage \$147.75) .....	\$39.40
10-01-78	\$104.50 (gross wage \$156.75) .....	\$41.80
10-01-79	\$113.00 (gross wage \$169.50) .....	\$45.20
10-01-80	\$122.00 (gross wage \$183.00) .....	\$48.80
10-01-81	\$133.50 (gross wage \$200.25) .....	\$53.40
10-01-82	\$145.00 (gross wage \$217.50) .....	\$58.00
10-01-83	\$156.50 (gross wage \$234.75) .....	\$62.60
10-01-84	\$164.50 (gross wage \$246.75) .....	\$65.80
10-01-85	\$171.00 (gross wage \$256.50) .....	\$68.40
10-01-86	\$180.00 (gross wage \$270.00) .....	\$72.00
10-01-87	\$188.00 (gross wage \$282.00) .....	\$72.50
10-01-88	\$195.50 (gross wage \$293.25) .....	\$78.20
10-01-89	\$206.50 (gross wage \$309.75) .....	\$82.60
10-01-90	\$214.00 (gross wage \$321.00) .....	\$85.60
10-01-91	\$221.50 (gross wage \$332.25) .....	\$88.60

20% of the Statewide Average Weekly Wage or the employee's actual weekly wage, whichever is less

10-01-92 .....	\$91.80
10-01-93 .....	\$96.80
10-01-94 .....	\$98.40
Set by statute, the listed amount or the employee's actual weekly wage, whichever is less	
10-01-95 .....	\$104.00
10-01-00 .....	\$130.00
(and later)	

## REHABILITATION SERVICES, FEES AND COSTS

Pursuant to Rule 5220.1900.  
(Maximum charges effective 10/1/08)

1. Charges for QRC not to exceed \$91.00/hour; \$45.50/hour for travel/wait time
2. Job Development and placement service rate not to exceed \$69.08/hour
3. Charges escalated pursuant to M.S. § 176.645 on October 1, 1993 and October 1 of each succeeding year
4. QRC rates shall be reduced by \$10.00/hour when 39 weeks have elapsed from date to first in-person visit or QRC's bill for services exceeds \$3,500.00
5. When job placement/development is performed by someone other than QRC, the QRC's billing may not exceed two hours per 30 day calendar period

## SPECIAL COMPENSATION FUND

### A. Second Injury Fund

5/5/65-8/3/71	Automatic Registration
9/1/71	Deductible increase from 26 weeks to 52 weeks; medical deductible \$2,000; registration can only be made by formal notice filed with Division
7/1/87	Apportionment on second injuries cases (repeal of Koski)
7/1/92	Abolished reimbursement for second injuries occurring on or after this date

### B. Supplementary Benefits (M.S. § 176.132)

1. Eligibility (date of injury controls):
  - a. Prior to 10/1/83: Disabled for at least 104 weeks or total disability 4 years post first date of total disability from same injury
  - b. 10/1/83-9/30/92: After 208 wks of TTD or PTD or if receiving TTD 208 wks from the first date of total disability
  - c. 10/1/92: After 208 wks of TTD or PTD and employee is permanently and totally disabled
  - d. 10/1/95: Supplementary benefits eliminated for injuries on or after 10/1/95

2. Schedule

**SUPPLEMENTARY BENEFITS PER  
MINN. STAT. § 176.132**

(AND PTD MINIMUM PER MINN. STAT. § 176.101  
FOR INJURIES 10/1/95 AND LATER)

01-01-72.....	\$60.00
07-01-73.....	Subd. 2(e) 5% reduction
07-01-74.....	\$73.00
01-01-75.....	\$80.00
01-01-76.....	\$85.00
01-01-77.....	\$91.50
07-01-77.....	\$109.80
01-01-78.....	\$118.20
04-08-78.....	Change in 5% law
01-01-79.....	\$125.40
10-01-79.....	\$135.85 (65% of 209)
01-01-80.....	\$146.90 (65% of 226)
10-01-80.....	\$158.60 (65% of 244)
10-01-81.....	\$173.55 (65% of 267)
10-01-82.....	\$188.50 (65% of 290)
10-01-83.....	\$203.45 (rounded 204)
10-01-84.....	\$213.85 (rounded to 214)
10-01-85.....	\$223.00 (round)
10-01-86.....	\$234.00 (round)
10-01-87.....	\$244.40 (rounded to 245)
10-01-88.....	\$254.15 (rounded to 255)
10-01-89.....	\$268.45 (rounded to 269)
10-01-90.....	\$278.20 (rounded to 279)
10-01-91.....	\$287.95 (rounded to 288)
10-01-92.....	\$298.35 (rounded to 299)
10-01-93.....	\$314.60 (rounded to 315)
10-01-94.....	\$319.80 (rounded to 320)
10-01-95.....	\$328.25 (rounded to 329)*
10-01-96.....	\$340.60 (rounded to 341)*
10-01-97.....	\$359.45 (rounded to 360)*
10-01-98.....	\$376.35 (rounded to 377)*
10-01-99.....	\$399.75 (rounded to 400)*
10-01-00.....	\$417.30 (rounded to 418)*
10-01-01.....	\$442.00 (round)
10-01-02.....	\$456.30 (rounded to 457)*
10-01-03.....	\$466.70 (rounded to 467)*
10-01-04.....	\$481.00 (round)
10-01-05.....	\$503.10 (rounded to 504)*
10-01-06.....	\$508.30 (rounded to 509)*
10-01-07.....	\$525.50 (rounded to 526)*
10-01-08.....	\$552.50 (rounded to 553)*

\*rounding only applies to supplementary benefits

**MEDICAL TREATMENT PARAMETERS**

1. Rule 5221.6010-.8900
2. Emergency Treatment Parameters effective dates: 5/18/93—5/13/94
  - Due to *Hirsch v. Bartley-Lindsay Co.*, 537 NW2d 480 (Minn. 1995), Emergency Treatment Parameters applied only as guidelines
3. No formal treatment parameters 5/14/94—1/3/95
4. Permanent Treatment Parameters effective 1/4/95
  - Per *Jacka v. Coca-Cola Bottling Co.*, 580 NW2d 27 (Minn. 1998), permanent treatment parameters are to be used by compensation judges as standards which establish the limits of compensable treatment in all but the most exceptional circumstances irrespective of date of injury

**IME FEE/DEPO SCHEDULE**

1. Effective date: 12/1/93
2. Schedule: Rule 5219.0500
  - a. Selected Charges (maximum charges effective 10/1/08):
    - Review of records \$271.40 first 50 pgs, \$155.09 each additional 50 pages
    - Charge for history from employee and exam: \$426.49
    - X-ray review: \$116.32
    - Charge for diagnosis, analysis, treatment recommendation and report: \$387.72
    - Doctor depo: \$620.35/hr; \$1240.70 minimum (2 hrs)
  - b. IME Cancellations:
    - 3 business days or more prior to exam: no charge
    - Less than 3 business days before exam: \$620.35
  - c. Doctor depo cancellations
    - 6 business days or more prior to depo: no charge
    - 5th, 4th, or 3rd day prior to depo: \$775.44
    - 2nd day prior to depo: \$1085.62
    - 1 day prior or same day as depo: \$1240.70
3. Charges escalated on October 1, 1994 and October 1 of each succeeding year

**INTEREST CALCULATION**

1. Interest Rates:
  - a. No interest awarded for injuries occurring prior to 5/27/77
  - b. Until 10/1/95: 8% or rate set by M.S. § 549.09 subd. 1, whichever is greater
  - c. 10/1/95 and after: rate set by M.S. § 549.09 subd. 1.
 

1995	6%	2000	5%	2005	4%
1996	5%	2001	6%	2006	4%
1997	5%	2002	2%	2007	5%
1998	5%	2003	4%	2008	4%
1999	4%	2004	4%		

## ADJUSTMENT OF BENEFITS PER 176.645

1. Does not apply:
  - a. To injuries prior to 10/1/75
  - b. To PPD payments
2. For injuries 10/1/75 to 9/30/92
 

10-01-76	7.65%	10-01-87	4.44%	10-01-98	4.70%
10-01-77	6%	10-01-88	3.99%	10-01-99	6%
10-01-78	6%	10-01-89	5.63%	10-01-00	4.39%
10-01-79	6%	10-01-90	3.63%	10-01-01	5.92%
10-01-80	6%	10-01-91	3.5%	10-01-02	3.24%
10-01-81	6%	10-01-92	3.61%	10-01-03	2.28%
10-01-82	6%	10-01-93	5.45%	10-01-04	3.06%
10-01-83	6%	10-01-94	1.65%	10-01-05	4.59%
10-01-84	5.11%	10-01-95	2.64%	10-01-06	1.03%
10-01-85	3.95%	10-01-96	3.76%	10-01-07	3.32%
10-01-86	5.26%	10-01-97	5.53%	10-01-08	5.20%

  - For injuries 10/1/75 to 9/30/81 adjustments made on 10/1 of every year
  - For injuries 10/1/81 to 9/30/92 adjustments made on anniversary of date of injury
3. For injuries 10/1/92 to 9/30/95
 

10-01-93	4%	10-01-99	4%	10-01-05	4%
10-01-94	1.65%	10-01-00	4%	10-01-06	1.03%
10-01-95	2.64%	10-01-01	4%	10-01-07	3.32%
10-01-96	3.76%	10-01-02	3.24%	10-01-08	4%
10-01-97	4%	10-01-03	2.28%		
10-01-98	4%	10-01-04	3.06%		

  - Initial adjustment is deferred until 2nd anniversary of date of injury
  - Adjustments capped at 4%
4. For injuries 10/1/95 to present
 

10-01-99	2%	10-01-03	2%	10-01-07	2%
10-01-00	2%	10-01-04	2%	10-01-08	2%
10-01-01	2%	10-01-05	2%		
10-01-02	2%	10-01-06	1.03%		

  - Initial adjustment is deferred until 4th anniversary of date of injury
  - Adjustments capped at 2%

## SOCIAL SECURITY COST OF LIVING ADJUSTMENT

Percent of Adjustment:

12/83: 3.5%	12/92: 3.0%	12/01: 2.6%
12/84: 3.5%	12/93: 2.6%	12/02: 1.4%
12/85: 3.1%	12/94: 2.8%	12/03: 2.1%
12/86: 1.3%	12/95: 2.6%	12/04: 2.7%
12/87: 4.2%	12/96: 2.9%	12/05: 4.1%
12/88: 4.0%	12/97: 2.1%	12/06: 3.3%
12/89: 4.7%	12/98: 1.3%	12/07: 2.3%
12/90: 5.4%	12/99: 2.4%	12/08: 5.8%
12/91: 3.7%	12/00: 3.5%	

## KAISERSHOT FORMULA

1. Per *Kaisershot v. Archer-Daniels Midland Co.*, 23 WCD 707 (W.C.C.A. 1966)
2.
  - a. Find correct compensation rate and apportionment percentage for each injury
  - b. Multiple respective apportionment % by rate for each injury
  - c. Total the result
  - d. Dived each rate by the total to obtain percentage
  - e. Apply percentage to the rate in effect at the time of the last injury to obtain responsibility of each injury
3. **Example:**

1st injury = \$80 x 45% =	\$36.00
2nd injury = \$100 x 55% =	\$55.00
TOTAL	\$91.00
1st injury = 36/91 = 39.56% x 100 =	\$39.56
2nd injury = 55/91 = 60.44% x 100 =	\$60.44
1st injury rate =	\$39.56
2nd injury rate =	\$60.44
TOTAL	\$100.00

## RELATIVE VALUE FEE SCHEDULE CONVERSION FACTOR (MEDICAL) PER 176.136, SUBD. 1a.

Effective date: 10/01/08

- Medical/surgical services \$80.74
- Pathology/laboratory services \$67.43
- Physical medicine/rehabilitation \$70.00
- Chiropractic services \$58.14

## MEDICAL RECORD CHARGE/RATE

1. Rule 5219.0100-.0300
2. Charges:
  - \$10.00 retrieval fee
  - \$.75 per page
  - Actual postage, MN sales tax & notary fees if requested
  - Must page for charges within 30 days
  - Retrieval fee not applicable to records provided in support of charges

## EMPLOYEE MILEAGE REIMBURSEMENT

1. Rule 5221.0500, subp 2.E.
2. Paid at the rate equal to the rate paid by the employer for ordinary business travel, or the rate paid by the State of Minnesota for employment-related travel whichever is lower
3. Current Maximum Rate (per DOLI) = 58.5¢ per mile (effective 7/1/08; subject to change)

### NOTICE

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