

How does the PD Chart work?

The PD Chart includes many pages of useful workers compensation charts, however, the first three pages deal directly with permanent disability. The calculation of the weeks and PD on the first two pages will be the subject of this document.

Pages one and two list, in chart form, the maximum number of weeks an injured person is to be paid at each given disability percentage. It also lists the total value of PD for each disability percentage calculated as the weeks multiplied by the maximum PD rate. The Labor Code section for this calculation is LC 4658

We said above that the total value of PD is calculated as the weeks multiplied by the *maximum* PD rate. Page three of the chart includes a table with the heading "Permanent Partial Disability Weekly Rate". This shows the PD rate for the various dates of injury, and the various PD percentages. LC 4659 The PD *rate* is two-thirds of the *earnings*. For example, if a worker earned \$1000 per week and was injured in 2002 the maximum earnings for that year is \$240.00 per week. The maximum weekly rate is 2/3 of the maximum earnings, which in this case it would be \$160.00 per week. The worker's total amount that he or she would receive is: number of weeks (based upon the percentage of disability) multiplied by \$160. The table on page three shows both the earnings and the rate, as well as minimum and maximum of both at the various disability percentage ranges. The last column of this table is in a bold font, as this is the maximum PD rate that is used (multiplied by the weeks) to calculate the PD values for pages one and two. The PD chart on pages 1 and 2 use the maximum rate because most workers earn above the maximum.

Columns 1 through 10: The law changed governing the value of PD several times over the years. The number of weeks changed as well. Subsequently, the chart crams all the weeks and rates for years 1996 to 2005+ into just two pages. This makes for a compressed but somewhat complicated chart. This document is meant to help the user of the chart understand how to use it and what it does.

Column 1 (%): This is the percentage of disability for the injured person. This column runs all of the rest of the columns. When you want to get a PD rating you are looking for the number of weeks and/or total value of a particular percentage of disability. You do this by looking down the first column of the chart and finding the correct percentage, then move across the chart to the corresponding injury date range columns to get the weeks and value. .

Column 2 (Weeks 96-03): This is the number of weeks that PD is to be paid at each different PD % for dates of injuries between 1996 and 2003. LC 4658(b)

Notice that there is a different weeks column for years 2004 (column 5) and 2005 (column 7). That's because the number of weeks for each PD % changed in 2004 and again in 2005. Column 2 covers only dates of injury between 1996 and 2003.

Column 3 (PD 7/1/96 to 12/31/02): This is the total value of PD (weeks multiplied by the weekly rate) at each % for years 1996 through 2002. The weekly rate is calculated as two-thirds the maximum actual earning. The Chart has a section on PD weekly rates for all years on page 3. The maximum earnings for 7/1/96 through 12/31/02 ranges from \$210 to \$345 so the maximum rate of PD (two-thirds of earnings) ranges from \$140 to \$230. For example, the maximum PD rate for a 15% disability for a DOI in 2002 is \$8,040.00 (50.25 weeks multiplied by \$160).

Column 4 (PD 2003): This is the total value of PD (weeks multiplied by the weekly rate) at each % for the year 2003. The weekly rate is calculated as two thirds the maximum actual earning (again see PPD Weekly Rate chart on page 3). The maximum earnings for the year 2003 ranges from \$277.50 to \$345 so the maximum rate of PD (two-thirds of earnings) ranges from \$185 to \$230. LC 4659(a) For example, the maximum PD rate for a 15% disability for a DOI in 2003 is \$9,296.25 (50.25 weeks multiplied by \$185).

Column 5 (2004 Weeks): The number of weeks that PD is to be paid at each different PD % changed in 2004. LC 4658(c) This column lists the correct weeks for the year 2004 only and is used only with the PD rate in column 6.

Column 6 (PD 2004): This is the total value of PD (weeks multiplied by the weekly rate) at each % for the year 2004. The weekly rate is calculated as two thirds the maximum actual earning (again see the PPD Weekly Rate chart on page 3). The maximum earnings for the year 2004 is \$300 for injuries under 70% disabled and \$375 for 70% and over. The maximum rate of PD (two-thirds of earnings) is either \$200 for injuries under 70% disabled or \$250 for 70% and over. LC 4659(a) For example, the maximum PD rate for a 15% disability for a DOI in 2004 is \$13,050.00 (65.25 weeks multiplied by \$200).

Column 7 (2005 Weeks): The number of weeks that PD is to be paid at each different PD % changed in 2005. LC 4658(d) This column lists the correct weeks for the year 2005 and up. Use this column in conjunction with columns 8, 9 and 10 to get the PD value at each % disability.

Column 8 (No job offer & < 50 EE): The code changed for 2005 and can either increase or decrease the PD value depending on the number of employees and whether or not a job offer was made to the injured worker once P&S. If the employer has less than 50 employees then the code does not penalize them for failing to make a job offer to the employee. Therefore, the value is a straight calculation of the rate times the weeks without increasing or decreasing. For

example, on page 2 of the chart drop down to 65% disabled. Follow that row across to the 2005 section. A 65% disability gives us 391.25 weeks. If we multiply 391.25 by a maximum rate of 220 we get \$86,075.

Column 9 (No job offer & 50+ EE): The code changed for 2005 and can either increase or decrease the PD value depending on the number of employees and whether or not a job offer was made to the injured worker once P&S. If the employer had 50 or more employees and failed to make a job offer to the injured worker within 60 days of becoming P&S then the value of PD is calculated (weeks times rate) and then increased by 15%. LC LC 4658(d)(2) Here is where the code makes the chart a bit tricky: Assuming the employee is not given work the employer has 60 days or 8.57 weeks to pay at the standard PD rate (straight weeks times max rate) before the 15% penalty kicks in. So, you won't see a change between columns 8 and 9 on the chart until the weeks goes higher than 9 (which is at 3%). At the ninth week the PD payments are to be increased by 15% but since the chart shows total *cumulative* values (weeks times rate) you can't just take $220 \times 9 = 1980 \times 1.15 = \$2,277$. You have to calculate the first 8.57 weeks (60 days) at the standard \$220/week and then calculate the remaining weeks, increase that by 15% and finally add them together. So at 3% disabled you can see that the difference between a job offer and no job offer (columns 8 and 9) is very little. That's because the rate was only increased for .43 of a week out of the 9 weeks. It becomes more pronounced in the higher disability percentages.

Column 10 (Return to work offer): The code changed for 2005 and can either increase or decrease the PD value depending on the number of employees and whether or not a job offer was made to the injured worker once P&S. Regardless of the number of employees, the value of PD is reduced by 15% if the employer makes an offer of employment to the injured worker within 60 days of P&S. LC 4658(d)(3)(A) Column 10 on the chart assumes that the offer is made immediately upon the injured worker becoming P&S and thus decreases the total value of PD by 15% starting at the first payment. For example, on page 2 of the chart, drop down to 65% disabled. Follow that row across to the 2005 section. A 65% disability gives us 391.25 weeks. If we multiply 391.25 by a maximum rate of 220 we get \$86,075. If we then decrease that by 15% we get \$73,163.75, which is the value listed for a 65% disability in column 10.