

# Delaware Workers' Compensation

## *Rate Card Instructions*

Our "Delaware rate cards" are designed to help people calculate dollars exposure in a given claim. It is important to note that maximum rates are established by calendar year in July, and benefits are paid based on the date of the injury, regardless of when time is lost, treatment is received, or money is actually paid.

The use of the card is best demonstrated by a hypothetical claim. Assume employee Joe Claimant sustained a compensable injury on February 14, 2024, and his average weekly wage (AWW) is \$750. The AWW (generally the average of the employee's gross wages for the 26 weeks leading up to the date of injury) is a crucial figure, as all benefit rates (subject to the maximums) are a function of that figure.

Joe's "comp rate" (CR) for lost time will be  $\frac{2}{3}$  (66  $\frac{2}{3}\%$ ) of \$750, or \$500 per week, which he will receive "tax free." –If his AWW were \$1,500, the rate would be \$867.52 rather than \$1,000, because of the maximum rate in effect on the date of the injury.

Similarly, if his AWW is low, he could not get less than the State minimum rate of \$289.18. An exception to this is when the AWW is less than the State minimum CR. In that case, the AWW is used as the CR without the 66  $\frac{2}{3}\%$  reduction. For example if his AWW was \$180, then his CR would also be \$180.

If Joe's AWW implicates the maximum compensation rate, the compensation rate used for permanency and disfigurement benefits may differ from temporary total disability benefits. Permanency and disfigurement are considered fixed or ratable one-year post injury or surgery so we use the maximum rate in effect at that time, which can be higher than for total disability.

For example, if Joe's date of injury were February 1, 2021, the maximum rate for total disability is \$747.66. If he had surgery as a result of the accident, let's say on February 1, 2022, the maximum rate for permanency will be the rate as of February 1, 2023 or 1 year post-surgery, which was \$822.70.

As always, if you need any additional information or assistance, regarding the use of the rate card or any other matter, do not hesitate to call upon us. Similarly, if you would like additional copies of the rate card, please let us know and we will be happy to provide them.

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