

Virginia Workers' Compensation *Rate Card Instructions*

Our "Virginia rate cards" are designed to help people calculate dollars exposure in a given claim. It is important to note that maximum and minimum rates are established by calendar year, 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 August 14, 2022, and his average weekly wage (AWW) is \$900. The AWW (generally the employee's gross wages for the 52 weeks leading up to the date of injury) is a crucial figure, as all benefit rates (subject to the maximums and minimums) are a function of that figure.

Joe's "comp rate" for lost time will be $\frac{2}{3}$ of \$900, or \$600 per week, which he will receive "tax free". The same rate would apply to benefits for temporary total, permanent partial, and permanent total disability. If his AWW were \$1,290, his compensation rate would be \$1,290 rather than \$1,200, because the maximum rate for accidents between July 1, 2022 and June 30, 2023 is \$1,290. In Virginia, the maximum and minimum rates are set by the Virginia General Assembly to become effective July 1 (rather than January 1) of every year. If Joe's accident occurred on August 1, 2022, and his AWW were \$1,800, his compensation rate would be \$1,290 as his accident would have occurred after July 1 of the applicable year (2022).

Turn to the back of the card for permanent partial disability (PPD) benefits. If Joe receives an award of 20% to the leg, he would receive \$21,000 ($.20 \times 175$ weeks for a leg \times \$600). Please note that if, instead, Joe's AWW were \$1,800 (with an accident date of February 14, 2022), he would receive \$34,860 ($.20 \times 175$ weeks for a leg \times \$996 in permanency (PPD) benefits for that same 20% rating. Note that Virginia does not employ the "tier system" and that PPD benefits for any scheduled member are payable at the same compensation rate as are TTD benefits. Finally, only the scheduled members listed on the back of the rate card can be the subject of a PPD award in Virginia as Virginia does not recognize PPD ratings to the back, neck, or whole person.

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.