

DEPARTMENT OF FINANCIAL SERVICES

# MODULE: Temporary Partial Disability

Division of Workers' Compensation

CFO JIMMY PATRONIS

## TEMPORARY PARTIAL DISABILITY (TPD)

S. [440.15](#)(4), F.S., Rule [69L-3.01915](#), F.A.C.

TPD benefits are paid to injured workers who are released to return to work in a limited or restricted capacity.

Some restrictions include:

kneeling, standing, climbing, pushing, lifting, and many more.

# TEMPORARY PARTIAL DISABILITY (TPD) Calculations

- 80% of 80% of the Average Weekly Wage (AWW)
- Benefits may not exceed an amount equal to  $66\frac{2}{3}$  or 66.67 percent of the employee's average weekly wage at the time of accident
- Bi-weekly payment(s)
- 104 weeks maximum
  - Refer to *Westphal v. City of St. Petersburg, 194 So.3d 311 (Fla. 2016)*
    - State's supreme court has found 104-week unconstitutional

# Temporary Partial Disability (TPD) Calculations

## 80/80 formula with *no earnings*

STEP #1: AWW is \$300.00

STEP #2: Determine 80% of \$300.00  
( $\$300.00 \times .80 = \$240.00$ )

STEP #3: Subtract weekly earnings from difference in Step #2  
( $\$240.00 - \$0.00 = \$240.00$ )

STEP #4: Determine 80% of difference in Step #3  
( $\$240.00 \times .80 = \$192.00$ )



# Temporary Partial Disability

- Robin's D/A is 11/22/2017
- RTW/light duty on 12/18/2017
- COH: \$16.95 an hour/40 hours a week
- Calculate the AWW for Robin
- Calculate the TPD benefits w/no earnings

# HOW IS IT CALCULATED?

## TPD with *no earnings*

\$16.95 an hour x 40 hours per week = \$678 Average Weekly Wage

\$678 AWW x .80 = \$542.40

\$542.40 - \$0 earnings = \$542.40

\$542.40 x .80 = \$433.92 TPD owed to the Injured Worker

# Temporary Partial Disability (TPD) Calculations

**80/80 formula with earnings of \$100.00**

STEP #1: AWW is \$300.00

STEP #2: Determine 80% of \$300.00  
( $\$300.00 \times .80 = \$240.00$ )

STEP #3: Subtract weekly earnings from difference in Step #2  
( $\$240.00 - \$100.00 = \$140.00$ )

STEP #4: Determine 80% of Difference in Step #3  
( $\$140.00 \times .80 = \$112.00$ )





# Temporary Partial Disability Terry's scenario

- Terry's D/A is 7/15/2019
- RTW/light duty on 9/7/2019
- 13 weeks: \$7,995.12
- AWW: \$615.01
- Terry earned weekly wages of \$175.00





# Temporary Partial Disability How did you do?



- $\$615.01 \text{ AWW} \times .80 = \$492.01$ , the new AWW
- $\$492.01 - \$175.00 \text{ IW earnings} = \$317.01$
- $\$317.01 \times .80 = \text{\$253.61 TPD owed to Injured Worker}$

# Insights

The Division would like to offer the following insights to consider to help effectively manage a temporary partial disability claim.

- Contact the injured worker every two weeks when you are paying indemnity benefits
  - This will help keep the lines of communications open and ensure that the indemnity benefits being provided are accurate.
- Submit any required claim EDI filings
  - Only handle the file once

## Contact Us

If you have any questions, please contact us by

- Telephone: 1-800-342-1741
- Email:

[Workers.CompService@myfloridacfo.com](mailto:Workers.CompService@myfloridacfo.com)

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