## MODULE: Temporary Partial Disability

Division of Workers' Compensation

#### **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 662/3 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

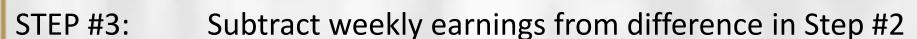
#### **Temporary Partial Disability (TPD) Calculations**

#### 80/80 formula with no earnings

STEP #1: AWW is \$300.00

STEP #2: Determine 80% of \$300.00

 $($300.00 \times .80 = $240.00)$ 



(\$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 \times .80 = $433.92 \text{ TPD owed to the Injured Worker}$ 

#### **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 AWW x .80 = \$492.01, the new AWW
- \$492.01 \$175.00 IW earnings = \$317.01
- \$317.01 x .80 = \$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

#### DEPARTMENT OF FINANCIAL SERVICES -

