

## PA and NJ Workers' Compensation Benefits For 2017

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Workers' compensation benefits in PA and NJ are calculated using a statewide average weekly wage (SAWW) that is published by the Departments of Labor every year. The year of the worker's injury will determine the year for the rates that apply. For 2017, the maximum rate for benefits in New Jersey is \$896 per week. The 2017 maximum rate for benefits in Pennsylvania is \$995 per week.

In New Jersey, total disability wage loss benefits are subject to a maximum of 75% of the SAWW. In 2017, the SAWW is calculated to be \$1,195.08. There is also a minimum benefit rate of 20% of the SAWW. A worker's benefits will be based on 70% of his average earnings but subject to this range of 20% to 75% of the SAWW. NJSA 34:15-12(a) and (b).

Also in New Jersey, there are permanent partial disability benefits payable that are capped by 75% of the SAWW and 70% of the worker's average earnings, whichever is less. Up to those limits, however, the worker's earnings do not matter and benefits are payable depending on the extent of the disability. The rates range from 20% to 75% of the SAWW. Rates for permanent partial disability benefits are located on the annual "permanent impairment chart". NJSA 34:15-36.

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In Pennsylvania, there are temporary total disability benefits but no permanent partial disability benefits. The rate for benefits is generally two thirds of the worker's average earnings, subject to the SAWW as the maximum. Some earnings fall into a category that results in a flat rate provided for a range of earnings. If the worker's earnings are low enough, the rate will be 90% of the worker's earnings. Section 105.1 of the Act, 77 PS §25.1

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For questions or further information, please contact Sandra Niemotka (215.864.6338; niemotkas@whiteandwilliams.com) or another member of the Workers' Compensation Group.

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