

STATE AVERAGE WEEKLY WAGE (2023)

The state average weekly wage (SAWW) means the average weekly wage paid by employers to employees covered by unemployment insurance as reported by the United States Department of Labor for California for the 12 months ending March 31 of the calendar year preceding the year in which the injury occurred. The SAWW as implemented by the Labor Code will serve as inflation indexing the payment of temporary disability, total permanent disability, Life Pension and death benefits.

TEMPORARY DISABILITY

| Date of Injury (on or after) | Weekly Earnings | Temporary Disability Rate |
|------------------------------|---|---|
| 1-1-03 | Below \$189.01 \$189.01 - \$903.00 Above \$903.00 | \$126.00 2/3 x Weekly Earnings \$602.00 max |
| 1-1-04 | Below \$189.01 \$189.01 - \$1,092.00 Above \$1,092.00 | \$126.00 2/3 x Weekly Earnings \$728.00 max |
| 1-1-05 | Below \$189.01 * \$189.01 - \$1,260.00 Above \$1,260.00 * | \$126.00* 2/3 x Weekly Earnings \$840.00 * |
| 1-1-06 | Below \$189.01 * \$189.01 - \$1,260.00 Above \$1,260.00 * | \$126.00 * 2/3 x Weekly Earnings \$840.00 |
| 1-1-07 | Below \$198.38 \$198.38 - \$1,322.49 Above \$1,322.49 * | \$132.25 * 2/3 x Weekly Earnings \$881.66 |
| 1-1-08 | Below \$206.18* \$206.18 - \$1,374.49 Above \$1,374.49 | \$137.45* 2/3 x Weekly Earnings \$916.33 |
| 1-1-09 | Below \$215.56* \$215.56 - \$1,437.01 Above \$1,437.01 | \$143.70* 2/3 x Weekly Earnings \$958.01 |
| 1-1-10 & 1-1-11 | Below \$222.01* \$222.01 - \$1,480.04 Above \$1,480.04 | \$148.00* 2/3 x Weekly Earnings \$986.69 |
| 1-1-12 | Below \$227.36* \$227.36 - \$1,515.75 Above \$1,515.75 | \$151.57* 2/3 x Weekly Earnings \$1,010.50 |
| 1-1-13 | Below \$240.01* \$240.01 - \$1,600.08 Above \$1,600.08 | \$160.00* 2/3 x Weekly Earnings \$1,066.72 |
| 1-1-14 | Below \$241.79* \$241.79 - \$1,611.96 Above \$1,611.96 | \$161.19* 2/3 x Weekly Earnings \$1,074.64 |
| 1-1-15 | Below \$248.25* \$248.25 - \$1,654.94 Above \$1,654.94 | \$165.49* 2/3 x Weekly Earnings \$1,103.29 |
| 1-1-16 | Below \$253.89* \$253.89 - \$1,692.64 Above \$1,692.64 | \$169.26* 2/3 x Weekly Earnings \$1,128.43 |
| 1-1-17 | Below \$263.82* \$263.82 - \$1,758.85 Above \$1,758.85 | \$175.88* 2/3 x Weekly Earnings \$1,172.57 |
| 1-1-18 | Below \$273.44* \$273.44 - \$1,822.91 Above \$1,822.91 | \$182.29* 2/3 x Weekly Earnings \$1,215.27 |
| 1-1-19 | Below \$281.57* \$281.57 - \$1,877.07 Above \$1,877.07 | \$187.71* 2/3 x Weekly Earnings \$1,251.38 |
| 1-1-20 | Below \$292.37* \$292.37 - \$1,949.14 Above \$1,949.14 | \$194.91* 2/3 x Weekly Earnings \$1,299.43 |
| 1-1-21 | Below \$305.17* \$305.17 - \$2,034.47 Above \$2,034.47 | \$203.44* 2/3 x Weekly Earnings \$1,356.31 |
| 1-1-22 | Below \$346.42* \$346.42 - \$2,309.56 Above \$2,309.56 | \$230.95* 2/3 x Weekly Earnings \$1,539.71 |
| 1-1-23 | Below \$364.29* \$364.29 - \$2,428.72 Above \$2,428.72 | \$242.86* 2/3 x Weekly Earnings \$1,619.15 |

- The weekly benefit rate is calculated as two thirds of the average weekly earnings (LC 4653) subject to statutory minimums and maximums pertaining to the average weekly earnings pursuant to LC 4453.
- For injuries on or after 1/1/05, and commencing 1/1/07, the statutory minimums and maximums are increased annually by the percentage increase in the State Average Weekly Wage (SAWW) LC 4453(a)(10).
- For injuries on or after 4/19/04 and before 1/1/08, aggregate payments for temporary disability for a single injury shall not extend for more than 104 compensable weeks within a period of two years from the date of commencement of temporary disability payments [LC4656(c)(1)]. Aggregate disability payments for a single injury occurring on or after 1/1/08 causing temporary disability shall not extend for more than 104 compensable weeks within a period of five years from the date of injury [LC 4656(c)(2)]. Statutory exceptions to the 104 weeks cap on aggregate disability payments for a single injury include (A) acute and chronic hepatitis B; (B) acute and chronic hepatitis C; (C) amputations; (D) severe burns; (E) HIV; (F) high velocity eye injuries; (G) chemical burns to eyes; (H) pulmonary fibrosis; (I) chronic lung disease. [LC 4656 (c)(2)]. TD for these injuries is capped at 240 weeks within 5 years of the date of injury.
- Notwithstanding the 104 week cap pursuant to LC 4656(c) (1), for injuries from 4/19/04 through 12/31/07, the rate increase provision for TD payments made two years after injury (the two year bump) pursuant to LC 4661.5 still applies. The 104 week cap under LC4656(c)(1) is triggered by the first actual payment of TD, whereas the two year bump under LC 4661.5 is controlled by the date of injury regardless of when TD starts. LC 4661.5 applies to TD paid under LC 4656(c)(2) for injuries on or after 1/1/08, for any TD paid more than 2 years from the date of injury, subject to the cap of 104 weeks paid within 5 years of the injury date.

PERMANENT TOTAL DISABILITY

If the permanent disability is total, indemnity benefits shall be paid during the remainder of life based upon the average weekly earnings as determined under LC 4453, i.e., in the same manner as temporary total disability [LC 4659(b)], based on the rate in effect on the date of injury. For injuries on or after 1/1/03, which lead to permanent total disability, once the applicant becomes P&S, payment shall be increased on January 1 of the year following the year P&S status was reached and every year thereafter consistent with the COLA percentage change in LC 4659(c).

DEATH BENEFITS

A death benefits in all cases shall be paid in installments in the same manner and amounts as temporary total disability indemnity, but never at less than a weekly rate of \$224.00. [LC 4702(b)]. Exposure may increase if there are dependent children under the age of 18 years. If dependents are all over the age of majority, it will only hasten payment of the statutory death benefits.

LIFE PENSION, PD ≥ 70:0
Maximum Weekly Earnings, Labor Code Section 4659
Minimum Weekly Earnings, Labor Code Section 4453(b)

Formula: (PD - 60) x 0.015 x Earnings, e.g., for 77% PD, 12-20-02 injury @ max
(77 - 60) x 0.015 x \$257.69 = \$65.71/week

| Effective Dates | AWW: Minimum/Max | PD 70:0 Paid: Min/wk | 99:3 Max/wk | SAWW |
|-----------------------|----------------------|----------------------|-------------|-------------|
| 07-01-94 to 06-30-95 | \$105.00 to \$157.69 | \$15.75 to | \$94.02 | |
| 07-01-95 to 06-30-96 | \$105.00 to \$207.69 | \$15.75 to | \$123.84 | |
| 07-01-96 to 12-31-02 | \$105.00 to \$257.69 | \$15.75 to | \$153.65 | |
| 01-01-03 to 12-31-03* | \$150.00 to \$257.69 | \$22.50 to | \$153.65 | |
| 01-01-04 to 12-31-04* | \$157.50 to \$257.69 | \$23.55 to | \$153.65 | |
| 01-01-05 + COLA* | \$157.50 to \$257.69 | * | * | No Increase |
| 01-01-06 + COLA* | \$195.00 to \$515.38 | * | * | + 1.97% |
| 01-01-07 + COLA* | \$195.00 to \$515.38 | * | * | + 4.01% |
| 01-01-08 + COLA* | \$195.00 to \$515.38 | * | * | + 4.96% |
| 01-01-09 + COLA* | \$195.00 to \$515.38 | * | * | + 3.923% |
| 01-01-10 + COLA* | \$195.00 to \$515.38 | * | * | + 4.548% |
| 01-01-11 + COLA* | \$195.00 to \$515.38 | * | * | + 2.994% |
| 01-01-12 + COLA* | \$195.00 to \$515.38 | * | * | No Increase |
| 01-01-13 + COLA* | \$195.00 to \$515.38 | * | * | + 2.413% |
| 01-01-14 + COLA* | \$195.00 to \$515.38 | * | * | + 5.563% |
| 01-01-15 + COLA* | \$195.00 to \$515.38 | * | * | + 0.7429% |
| 01-01-16 + COLA* | \$195.00 to \$515.38 | * | * | + 2.666% |
| 01-01-17 + COLA* | \$195.00 to \$515.38 | * | * | + 2.2789% |
| 01-01-18 + COLA* | \$195.00 to \$515.38 | * | * | + 3.912% |
| 01-01-19 + COLA* | \$195.00 to \$515.38 | * | * | + 3.642% |
| 01-01-20 + COLA* | \$195.00 to \$515.38 | * | * | + 2.971% |
| 01-01-21 + COLA* | \$195.00 to \$515.38 | * | * | + 3.84% |
| 01-01-22 + COLA* | \$195.00 to \$515.38 | * | * | +4.3774% |
| 01-01-23 + COLA* | \$195.00 to \$515.38 | * | * | +13.5213% |
| 01-01-24 + COLA* | \$195.00 to \$515.38 | * | * | +5.15924% |

* For injuries o/a 1/1/03, beginning on 1/1/04, a Cost of Living Adjustment (COLA) shall be made to the Life Pension paid each year based on an increase, if any, in the state average weekly wage (SAWW) compared to the prior year [L.C. Section 4659(c)]. Please keep in mind that PD must be at an adjusted level of at least 70% and less than 100% for Life Pension benefits to apply. The entirety of the PD is paid out on a biweekly basis before payment of the Life Pension begins. Payments of Life Pension benefits subject to SAWW increases will begin on January 1 of the year following the calendar year when Life Pension benefits begin (after PD is fully paid out). For the method of calculating COLA increases, see Workers' Compensation Laws of California, Table 14.