

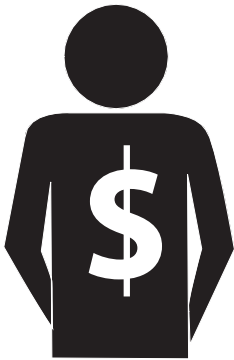
Average Weekly Wage Calculations BEN

Information for Injured Employees from the Division of Workers' Compensation

Income benefits replace a portion of wages you lose because of a work-related injury or illness. There are four types of income benefits:

- temporary income benefits (TIBs);
- impairment income benefits (IIBs);
- supplemental income benefits (SIBs); and
- lifetime income benefits (LIBs).

Income benefits may not exceed the maximum weekly amount set by state law. Temporary income benefits, impairment income benefits, and lifetime income benefits are also subject to a minimum amount set by state law. Maximum and minimum benefit amounts are based on the state average weekly wage. A copy of the maximum and minimum benefits for each type of income benefit can be found on the Texas Department of Insurance website at www.tdi.texas.gov/wc/employee/maxminbens.html.



You must report any income (other than workers' compensation benefits you may be receiving) to the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) and the insurance carrier so an adjustment can be made to your income benefit payments. You may be fined and/or charged with fraud if you receive temporary income benefits or supplemental income

benefits while also receiving wages from an employer without informing the TDI-DWC and the insurance carrier.

Income benefits are not payable following the death of an injured employee. In the case of an injured employee's death, the injured employee's beneficiaries may be eligible to file a claim for and receive death benefits if the injured employee's death was due to the work-related injury or illness.

Calculation of Average Weekly Wage (AWW)

[Texas Labor Code §§408.041-408.047, 28 Texas Administrative Code §§128.1 – 128.7]

Your income benefits are determined from the calculation of your average weekly wage (AWW). A full-time employee is one who regularly works at least 30 hours per week. To calculate your average weekly wage for a

full-time employee, add your earnings for the 13 weeks prior to the injury, including any overtime or other special pay and any non-pecuniary wages the employer does not continue after your injury and divide by 13. "Non-pecuniary Wages" means wages in a form other than money (e.g., health insurance premiums, vehicle, clothing, or rent/housing). If you did not work for your employer for 13 weeks before the work-related injury or illness occurred, your average weekly wage may be calculated using the earnings of an employee with the same or a similar job. (Note: See page 2 for school district employees.)

AWW Calculation – Full-Time Employee:

13 weeks wage at \$824.23	\$10,714.99
Health Insurance Premium (discontinued \$82 per week x 13)	\$1,066.00
	<hr/> 11,780.99
Average weekly wage $\$11,780.99 \div 13 =$	\$906.23

Multiple Employment

[Texas Labor Code §408.042]

If you have more than one job and your work-related injury occurred with an employer carrying workers' compensation insurance and the injury keeps you from working at your other job(s), you may report any wages to the insurance carrier that are reportable for federal income tax purposes for consideration of lost wages. The following are examples of how your AWW would be calculated for multiple employment.

AWW Calculation - Multiple Employment:

Claim Employer AWW: \$700

Non-Claim Employer AWW: \$300

- Regardless of the type of employment
- Only wages reportable for federal income tax purposes

Add all the AWWs together to compute multiple employment AWW:

\$700 (+) \$300 (=) **\$1,000** Multiple Employment AWW

For further assistance, call

1-800-252-7031

or visit

www.tdi.texas.gov/wc/employee/index.html