



**Oregon**

Tina Kotek, Governor



Workers' Compensation Division

Department of Consumer and Business Services

**BULLETIN NO. 124 (Revised)  
June 27, 2024**

**TO:** Workers' compensation insurers, self-insured employers, and vocational assistance providers

**SUBJECT:** Forms for vocational assistance to injured workers, cost-of-living matrix, and fee schedule

**This bulletin provides forms, examples, checklists, and a chart for insurers and vocational assistance providers to use under Oregon Administrative Rules (OAR) 436-120. This bulletin is revised to provide the following:**

- **An updated cost-of-living matrix and fee schedule for vocational assistance expenditures, effective July 1, 2024**
- **A revised Form 1081, "Training Plan," and revisions to this bulletin to address changes in OAR 436-120, effective July 1, 2024**

**This bulletin replaces Bulletin 124 dated May 26, 2023.**

Under OAR 436-120, the cost-of-living matrix and vocational assistance fee schedule are indexed to the state average weekly wage (SAWW), which is the average weekly wage of workers in covered employment in Oregon, as determined by the Oregon Employment Department (see ORS 656.211).

The SAWW that applies for the period July 1, 2024, through June 30, 2025, **increased** by 2.749 percent, from \$1,295.86 to \$1,331.48.

**FORMS AND NOTICES**

You can download copies of the forms from the Workers' Compensation Division's website: [www.wcd.oregon.gov/forms/Pages/forms.aspx](http://www.wcd.oregon.gov/forms/Pages/forms.aspx).

<b>Form number</b>	<b>Title</b>
<a href="#">1081</a>	Training Plan
<a href="#">1083</a>	Direct Employment Plan
<a href="#">2800</a>	Vocational Closure Report

**CALCULATION OF ADJUSTED WEEKLY WAGE UNDER OAR 436-120-0147**

To determine a worker's suitable wage for purposes of vocational assistance eligibility or providing vocational assistance, the insurer must first calculate the worker's weekly wage. The weekly wage is then converted to the adjusted weekly wage.

Before beginning the weekly wage calculation, the insurer should answer questions 1 through 5 below, select the applicable subsection under OAR 436-120-0147(3), and calculate the weekly wage.

1. Is the worker's potential eligibility based on the initial claim opening or an aggravation?
2. Does the worker's regular employment involve the job at injury [OAR 436-120-0147(2)(e)] or the job at aggravation [OAR 436-120-0147(2)(d)]?
3. What kind(s) of employment is the worker's regular employment? Permanent, year-round employment [OAR 436-120-0147(2)(g)]? Employment with an annual salary set by contract? Self-employment (job at injury)? Volunteer or other covered employment with no wages (job at injury)? Other?
4. Did the worker receive unemployment insurance benefits during the 52 weeks before the injury or aggravation? If so, how many weeks of unemployment benefits did the worker receive?
5. Did the worker hold more than one job at injury? More than one job at aggravation? If so, how many weeks was the worker employed at each job?

Once the weekly wage has been calculated, the answers to the following questions will determine how to convert that wage to the adjusted weekly wage under OAR 436-120-0147(4).

1. Is the applicable employer still in business?
2. If not, was the worker's job covered by a union contract?
3. Have there been any cost of living or collective bargaining adjustments?
4. Is the worker's regular employment the employment held at the time of aggravation?

The following chart summarizes the calculation methods for the worker's weekly wage to assess vocational eligibility. Under all of these methods, the weekly wage is converted to the adjusted weekly wage under OAR 436-120-0147(4).

<i>Regular employment</i>	<i>Seasonal or temporary</i>	<i>Not seasonal or temporary</i>
<b>One job at injury, no unemployment benefits</b>	Use the same wage upon which temporary disability was based.	Use the same wage upon which temporary disability was based.
<b>One job at aggravation, no unemployment benefits</b>	Use the same methods used to calculate temporary disability as described under OAR 436-060-0025 that was in effect on the date of injury.	Use the same methods used to calculate temporary disability as described under OAR 436-060-0025 that was in effect on the date of injury.

<p><b>More than one job at injury, no unemployment benefits</b></p>	<p>Divide the worker’s earned income by the number of weeks the worker worked in those jobs during the 52 weeks before the date of injury.</p>	<p>For each job use the same methods used to calculate temporary disability as described under OAR 436-060-0025 that was in effect on the date of injury.</p>
<p><b>More than one job at aggravation, no unemployment benefits</b></p>	<p>Divide the worker’s earned income by the number of weeks the worker worked in those jobs during the 52 weeks before the date of aggravation.</p>	<p>For each job use the same methods used to calculate temporary disability as described under OAR 436-060-0025 that was in effect on the date of injury.</p>
<p><b>One or more jobs at injury or aggravation, with unemployment benefits</b></p>	<p>Combine the earned income with the unemployment insurance payments and divide the total by the number of weeks the worker worked in those jobs and received unemployment insurance payments during the 52 weeks before the date of the injury or aggravation.</p>	<p>Unemployment insurance payments are not included in the wage calculation when the job at injury or aggravation is not seasonal or temporary.</p> <p>For one job at injury: use the weekly wage upon which temporary disability was based.</p> <p>For more than one job at injury, or for one or more jobs at aggravation, use the same methods used to calculate temporary disability as described under OAR 436-060-0025 that was in effect on the date of injury.</p>

The following examples illustrate the calculation of the adjusted weekly wage in specific circumstances:

**EXAMPLE A: The job at injury was permanent, year-round employment and the worker’s only employment:**

At the time of their injury in May 2021, Pat Jones worked as a sales clerk for Morton’s Drugs and this was their only employment. Pat’s temporary total disability (TTD) is based on \$800 per week. Morton’s owner states that all sales clerks have received a 5 percent pay increase since 2021.

STEP ONE: Go to OAR 436-120-0147(3)(b)(A).

STEP TWO: Determine the weekly wage on which TTD was based: \$800 (weekly wage).

STEP THREE: Convert the weekly wage to the adjusted weekly wage as described in OAR 436-120-0147(4)(a):  $\$800 \times 1.05 = \$840$ .

**\$840 is the adjusted weekly wage.**

**EXAMPLE B: The job at injury and a second job held at the time of injury and both were permanent, year-round employment:**

At the time of their injury in May 2021, Kelly Jones worked as a sales clerk for Morton's Drugs and as a sales clerk for Trader Sales. In the 52 weeks preceding the injury, Kelly earned \$500 per week at Morton's Drugs and \$280 per week at Trader Sales. As such, the earnings from both jobs result in a weekly wage of \$780 per week. Morton's owner states that all sales clerks have received a 5 percent pay increase since 2021.

STEP ONE: Go to OAR 436-120-0147(3)(b)(B).

STEP TWO: Calculate temporary disability rate for each job as described under OAR 436-060-0025 that was in effect on the date of injury: total weekly wage of \$780.

STEP THREE: Convert the weekly wage to the adjusted weekly wage as described in OAR 436-120-0147(4)(a):  $\$780 \times 1.05 = \$819$ .

**\$819 is the adjusted weekly wage.**

**EXAMPLE C: The job at aggravation was permanent year-round employment:**

At the time of aggravation in June 2022, Chris Stern was working as a shipping and receiving clerk for XYZ Corporation. Chris earned a monthly salary of \$3,550. XYZ confirms that this was a permanent year-round position.

STEP ONE: Go to OAR 436-120-0147(3)(b)(C), which requires using the same methods used to calculate temporary disability as described under OAR 436-060-0025.

STEP TWO: For workers paid monthly, OAR 436-060-0025(5) requires dividing the monthly salary by 4.35:  $\$3,550$  divided by 4.35 = \$816.09 (weekly wage).

STEP THREE: Convert the weekly wage to the adjusted weekly wage as described in OAR 436-120-0147(4)(d):  $\$816.09 \times 1.07 = \$873.22$

**\$873.22 is the adjusted weekly wage.**

**EXAMPLE D: The job at injury was temporary or seasonal and the worker held only one job at the time of injury and did not receive unemployment compensation during the 52 weeks before injury:**

Robin Bledsoe was employed as a union carpenter for New Home Builders at the time of their injury. Robin's hours varied from week to week, depending on the weather. The job was temporary, intended to last only through the building of a new housing development. Their temporary total disability (TTD) was based on an average wage of \$820 per week. New Home Builders has gone out of business. There has been a 3 percent collective bargaining increase through the Carpenter's Union since the date of Robin's injury.

STEP ONE: Go to OAR 436-120-0147(3)(a)(A).

STEP TWO: Use the weekly wage on which TTD is based: \$820 (weekly wage).

STEP THREE: Convert the weekly wage as described in OAR 436-120-0147(4)(b):  $\$820 \times 1.03 = \$844.60$ .

**\$844.60 is the adjusted weekly wage.**

**EXAMPLE E: The job at injury was seasonal employment with an annual salary set by contract:**

At the time of injury, Rowan Ustinov's only employment was a seasonal position with an annual salary of \$40,000. Rowan did not receive unemployment insurance benefits in the 52 weeks before the date of injury, and there have been no cost-of-living increases or collective bargaining adjustments since the date of injury.

STEP ONE: Go to OAR 436-120-0147(3)(a)(A), which requires using the same methods used to calculate temporary disability as described under OAR 436-060-0025.

STEP TWO: For workers with regular wages, OAR 436-060-0025(5) requires dividing the annual salary by 12, and dividing that by 4.35.  $\$40,000$  divided by 12 divided by 4.35 =  $\$766.28$  (weekly wage).

STEP THREE: Convert the weekly wage to the adjusted weekly wage as described in OAR 436-120-0147(4)(a). There have been no cost-of-living or collective bargaining increases, so the adjusted weekly wage is the same as the weekly wage.

**\$766.28 is the adjusted weekly wage.**

**EXAMPLE F: The job at injury or aggravation was temporary or seasonal and the worker held one or more jobs at the time of injury or aggravation, and received unemployment insurance (UI) benefits during the 52 weeks before the injury or aggravation:**

At the time of their injury, Dec. 2, 2021, as a Christmas tree harvester for Seasonal Trees, Riley Graham also worked evenings as a cashier at Handy Stores. After the injury, Riley was unable to return to either job. Seasonal Trees confirmed that Riley's job was temporary through the Christmas tree cutting season. Riley worked seven weeks for Seasonal Trees, earning a total of \$2,900. Riley worked 22 weeks for Handy Stores, earning a total \$4,500. They received \$3,300 unemployment insurance benefits for 10 weeks before working at Handy Stores. They worked as a logger for Paul Bunyan Logging for 13 weeks in February, March, and April 2021, earning \$10,000. Seasonal Trees reports that there have been no increases in pay since Riley's injury.

STEP ONE: Go to OAR 436-120-0147(3)(a)(D).

STEP TWO: Combine Riley's earned income from the two jobs they held at the time of injury, and add the income they received from unemployment insurance:

\$ 2,900 (Seasonal Trees)
4,500 (Handy Stores)
<u>3,300</u> (UI benefits)
\$10,700

STEP THREE: Combine the number of weeks Riley worked at all jobs held at the time of injury plus the number of weeks they received UI benefits. Riley held the jobs at Seasonal Trees and at Handy Stores concurrently, so the job with the longest duration is counted.

22 weeks (Handy Stores)

10 weeks (UI benefits)

32 weeks

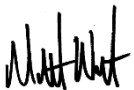
STEP FOUR: Divide the total earned income by the number of weeks worked or during which they received unemployment insurance benefits. \$10,700 divided by 32 weeks = \$334.38 (weekly wage).

**NOTE: Neither the income nor weeks worked at Paul Bunyan Logging are to be used for these calculations. Only income from unemployment insurance and from jobs held at the time of injury or aggravation are used for these calculations.**

STEP FIVE: Convert the weekly wage to the adjusted weekly wage as described in OAR 436-120-0147(4)(a). Since there have been no cost-of-living increases, the adjusted weekly wage is the same as the weekly wage.

**\$334.38 is the adjusted weekly wage.**

If you have questions about this bulletin, contact the Employment Services Team at 971-718-7256.



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Attachments: RTW Plan and Plan Support Documentation Checklist  
Cost-of-Living Matrix and Vocational Assistance Fee Schedule  
Forms: [1081](#) (Rev. 7/24)  
[1083](#) (Rev. 5/22)  
[2800](#) (Rev. 5/22)

Distribution: WCD-LY, GovDelivery electronic mailing lists

## RTW Plan and Plan Support Documentation Checklist

<b>Are the following items included in the training plan and plan support? (Form 1081)</b>		
	Yes	No
Specific vocational goal(s)?		
SOC/DOT code(s) correct?		
Expected return-to-work wage(s)?		
Training activities correctly entered?		
Start and end dates of plan?		
Responsibilities of worker/provider? [Front]		
Worker, counselor, insurer signatures on plan?		
<b>Plan Support</b>		
Worker's physical capacities consistent with plan goal(s)?		
Education, work history?		
Discussion of why direct employment services will not return worker to suitable employment?		
Plan will result in "significantly closer" wage?		
Is a waiver required?		
Is the waiver included?		
Vocational test data?		
Labor market summary?		
Job analysis signed by worker and attending physician?		
On-the-job training (OJT): Signed OJT contract?		
Skills training: Written curriculum?		
Formal training: Curriculum description listed term-by-term?		
Direct worker purchases (DWPs) identified?		
Plan and plan support signed/initialed and dated by worker?		

<b>Are the following items included in the direct employment plan and plan support? (Form 1083)</b>		
	Yes	No
Specific vocational goal(s)?		
SOC/DOT code(s) correct?		
Expected return-to-work wage(s)?		
Training activities correctly entered?		
Start and end dates of plan?		
Responsibilities of worker/provider? [Front]		
Worker, counselor, insurer signatures on plan?		
<b>Plan Support</b>		
Worker's physical capacities consistent with plan objective?		
Education, work history?		
Description of transferable skills that relate to vocational goals?		
Discussion of why training will not result in "significantly closer" wage?		
Is a waiver required?		
Is the waiver included?		
Vocational test data?		
Labor market summary?		
Direct worker purchases (DWPs) identified?		
Plan and plan support signed/initialed and dated by worker?		

## COST-OF-LIVING MATRIX AND VOCATIONAL ASSISTANCE FEE SCHEDULE

The cost-of-living matrix is defined in OAR 436-120-0005 and is used to adjust for changes in the cost of living under OAR 436-120-0147(4). The cost-of-living matrix below is effective July 1, 2024.

The fee schedule is in OAR 436-120-0720 and sets maximum spending limits for professional costs and direct worker purchases. The fee schedule below is effective July 1, 2024.

Cost-of-living Matrix	
Date of Injury or Aggravation	Conversion Factors Date of Calculation: 7-1-24 — 6-30-25
7-1-24 — 6-30-25	1.00
7-1-23 — 6-30-24	1.03
7-1-22 — 6-30-23	1.00
7-1-21 — 6-30-22	1.07
7-1-20 — 6-30-21	1.22
7-1-19 — 6-30-20	1.27
7-1-18 — 6-30-19	1.32
7-1-17 — 6-30-18	1.38
7-1-16 — 6-30-17	1.37
7-1-15 — 6-30-16	1.44
7-1-14 — 6-30-15	1.50
7-1-13 — 6-30-14	1.54
7-1-12 — 6-30-13	1.58
7-1-11 — 6-30-12	1.58
7-1-10 — 6-30-11	1.62
7-1-09 — 6-30-10	1.66
7-1-08 — 6-30-09	1.68
7-1-07 — 6-30-08	1.76
7-1-06 — 6-30-07	1.85
7-1-05 — 6-30-06	1.87
7-1-04 — 6-30-05	1.93
7-1-03 — 6-30-04	2.00
7-1-02 — 6-30-03	2.05
7-1-01 — 6-30-02	2.06
7-1-00 — 6-30-01	2.12

Cost-of-living Matrix	
Date of Injury or Aggravation	Conversion Factors Date of Calculation: 7-1-24 — 6-30-25
7-1-99 — 6-30-00	2.21
7-1-98 — 6-30-99	2.31
7-1-97 — 6-30-98	2.44
7-1-96 — 6-30-97	2.57
7-1-95 — 6-30-96	2.69
7-1-94 — 6-30-95	2.72
7-1-93 — 6-30-94	2.78
Before 7-1-93	3.00

Fee Schedule for July 1, 2024, through June 30, 2025 (Annual adjustment of rates in OAR 436-120-0720)		
Categories of Vocational Assistance	Professional Spending Limits	Direct Worker Purchases Spending Limits
Eligibility Determination Without Substantial Handicap Analysis	\$732	Not Applicable (NA)
Substantial Handicap Analysis	\$1,451	NA
Direct Employment	\$9,800	\$4,900
Training or Limited Training*	\$24,499	\$32,342
DE/Training Combined*	\$27,229	NA
Dispute Resolution	\$812	NA

\*For workers needing an extended training plan under OAR 436-120-0443, the fee schedule spending limits for the Training category and DE/Training Combined category listed above are increased by 30 percent. OAR 436-120-0720(2).



**Example: Calculating the adjusted weekly wage:**

Ronnie Smith was injured on a non-union job on May 5, 2023. Ronnie's weekly wage, as calculated under OAR 436-120-0147, is \$800 per week. Their employer is no longer in business. The insurer is determining Ronnie's eligibility for vocational assistance in February 2025. OAR 436-120-0147(4)(c) requires the use of the cost-of-living matrix to convert the weekly wage to the adjusted weekly wage.

**STEP ONE:** Go to the correct time range: 7-1-22 through 6-30-23. The conversion factor is **1.00**.

**STEP TWO:** Multiply the conversion factor by Ronnie's weekly wage:  
 $1.00 \times \$800 = \mathbf{\$800}$  (the adjusted weekly wage).