



**Oregon**

Tina Kotek, Governor



Workers' Compensation Division

Department of Consumer and Business Services

**BULLETIN NO. 393**

**Sept. 16, 2024**

**TO:** Workers' compensation insurers and self-insured employers

**SUBJECT:** Retroactive Program benefits effective Oct. 1, 2024

**This bulletin notifies insurers and self-insured employers of:**

- 1. The annual increase in Retroactive Program benefits, and**
- 2. The methods used to calculate these benefits and determine the amount of Retroactive Program reimbursement.**

*NOTE:* Each year, the Employment Department calculates the state's average weekly wage. The director of the Department of Consumer and Business Services reviewed the 2023 decrease and the 2024 increase to that wage. In order to moderate effects on the annual increase to Retroactive Program benefits, the director determined the appropriate conversion factor to be 1.935 percent for injuries occurring on July 1, 2022, through June 30, 2023.

The Retroactive Program benefit, established by ORS 656.506(7) and administered under OAR chapter 436 division 075, is an additional amount paid to eligible workers, or their beneficiaries, when benefit levels are lower than what is currently being paid for like injuries. Program recipients are primarily workers previously determined to have a permanent total disability and beneficiaries of workers who suffered fatal injuries.

**COMPUTING PERMANENT TOTAL DISABILITY (PTD) BENEFITS**

Workers injured **before July 1, 2023**, are eligible for retroactive benefit increases effective Oct. 1, 2024, as follows:

- Worker's Current Benefit
- 1(a) Determine weekly benefits by first calculating 66.67 percent of the worker's weekly wage at the time of injury, and then multiply this amount by the conversion factor for the year of injury (see "Yearly Conversion Factors" on page 5). If the weekly benefit calculates to less than \$427.63 (33 percent of the July 1, 2023, state average weekly wage, \$1,295.86), increase the benefit to \$427.63.
  - (b) Compare the figure from 1(a) above to \$1,723.49 (133 percent of the July 1, 2023, state average weekly wage, \$1,295.86). The lesser figure is the worker's weekly PTD rate.

- (c) For workers with dates of injury before Oct. 23, 1999, add \$5 for each additional beneficiary, not to exceed five (5) beneficiaries. Add this figure to the figure from 1(b) above.
- (d) Multiply the figure from 1(b) above, or 1(c) if applicable, by 4.35 to determine the monthly PTD benefit.

- Retroactive Reimbursement
- 2(a) Determine the statutory monthly PTD benefit due in accordance with ORS 656.206 based on the date of injury.
  - (b) The difference between the figures from 1(d) and 2(a) above is the retroactive benefit, reimbursable from the Retroactive Program.

To determine statutory and Retroactive Program benefits due for a partial month, divide the monthly benefit by the **ACTUAL NUMBER OF DAYS** in the month and then multiply by the number of days included in the partial month.

### COMPUTING FATAL BENEFITS

Fatal benefits for injuries occurring **before July 1, 2023**, are increased to the following fatal benefit levels:

- The monthly benefit to a surviving spouse or domestic partner is \$3,758.18 (4.35 times 66 and 2/3 percent of the July 1, 2023, state average weekly wage, \$1,295.86).
- The monthly benefit to each child of a deceased worker who is under 19 years of age, or who is 19 to 26 years of age and completing secondary education, obtaining a general educational development certificate (GED), or attending a program of higher education, is \$1,409.25 (4.35 times 25 percent of the July 1, 2023, state average weekly wage, \$1,295.86).
- The monthly benefit to a child or dependent of a deceased worker that has no surviving parent while attending higher education is \$3,758.18 (4.35 times 66 and 2/3 percent of the July 1, 2023, state average weekly wage, \$1,295.86).
- **In no event shall the total monthly benefits paid to all surviving children exceed \$7,515.80<sup>1</sup> (4.35 times 133 and 1/3 percent of the July 1, 2023, state average weekly wage, \$1,295.86). If the total exceeds the maximum, the benefits must be reduced proportionately.**

Compute retroactive benefits in the following manner:

1. For fatal claims occurring from injuries before July 1, 2023:
  - (a) Determine the statutory benefit due in accordance with ORS 656.204 based on the date of injury, as modified by the current family status.
  - (b) The difference between the figure from 1(a) above and the benefit levels produced from the bulleted list under “Computing Fatal Benefits” above is reimbursable from the Retroactive Program.

---

<sup>1</sup> Benefits paid to children without a surviving parent under ORS 656.204(6)(b) do not count toward the limit.

To determine statutory and Retroactive Program benefits due for a partial month, divide the monthly benefit by the **ACTUAL NUMBER OF DAYS** in the month and then multiply by the number of days included in the partial month.

**Do not reduce benefits, even if computations under this bulletin indicate benefit levels less than what was previously due.**

2. Determine remarriage benefits, regardless of the date of injury, as follows:

- (a) Determine the remarriage allowance by multiplying the spouse's current monthly benefit (which includes Retroactive Program benefit increases) by 36.
- (b) Determine the surviving spouse's statutory remarriage allowance in accordance with ORS 656.204 based on the date of injury.
- (c) The difference between the figures from 2(a) and 2(b) above is reimbursable from the Retroactive Program.

3. Determine burial benefits as follows:

- (a) Determine the statutory benefit due in accordance with ORS 656.204 based on the date of injury.
- (b) The difference between the figure from 3(a) above and the July 1, 2023, statutory level of \$25,917.20 (20 times the July 1, 2023, state average weekly wage, \$1,295.86) is reimbursable from the Retroactive Program. **If the figure from (3)(a) is greater than the July 1, 2023, statutory level, no portion of the burial benefit is reimbursable from the Retroactive Program, and the amount from 3(a) is due.**

### **COMPUTING TEMPORARY TOTAL DISABILITY (TTD) BENEFITS**

On or after Oct. 1, 2024, TTD benefits paid to **all** workers injured **before** July 1, 1973, are increased. TTD benefits paid to workers injured on or after July 1, 1973, but before April 1, 1974, whose statutory TTD rate is less than \$1,036.69 (80 percent of the July 1, 2023, state average weekly wage, \$1,295.86) are also increased.

Workers injured on or after April 1, 1974, are not entitled to Retroactive Program increases to their TTD benefits.

Effective Oct. 1, 2024, TTD benefit increases, reimbursable from the Retroactive Program, are paid in the following manner:

- |                                |  |
|--------------------------------|--|
| Worker's<br>Current<br>Benefit | 1(a) Determine weekly benefits by first calculating 66.67 percent of the worker's weekly wage at the time of injury, and then multiplying this amount by the conversion factor for the year of injury (see "Yearly Conversion Factors" on Page 5). If the weekly benefit calculates to less than \$50, the benefit is increased to 90 percent of the weekly wage at the time of injury multiplied by the conversion factor or \$50, whichever is less. |
|                                | (b) Compare the figure from 1(a) above to \$1,036.69 (80 percent of the July 1, 2023, state average weekly wage, \$1,295.86). The lesser figure is the worker's weekly TTD rate.   |
| Retroactive<br>Reimbursement   | 2(a) Determine the statutory TTD benefits due in accordance with ORS 656.210 based on the date of injury, taking into account the current marital and dependency status. Divide the monthly benefit by 4.35 to determine the weekly TTD benefit.   |
|                                | (b) The difference between the figures from 1(b) and 2(a) above is the retroactive benefit, reimbursable from the Retroactive Program.   |

**Do not reduce worker benefits, even if computations under this bulletin indicate benefit levels less than currently paid.**

**YEARLY CONVERSION FACTORS**

<b>Injury date</b>	<b>Factor</b>	<b>Injury date</b>	<b>Factor</b>
1-1-66 — 6-30-66	12.23779	7-1-94 — 6-30-95 (PTD only)	2.64758
7-1-66 — 6-30-67	11.57431	7-1-95 — 6-30-96 (PTD only)	2.62086
7-1-67 — 6-30-68	11.29388	7-1-96 — 6-30-97 (PTD only)	2.49877
7-1-68 — 6-30-69	10.80424	7-1-97 — 6-30-98 (PTD only)	2.37281
7-1-69 — 6-30-70	10.23667	7-1-98 — 6-30-99 (PTD only)	2.24726
7-1-70 — 6-30-71	9.63680	7-1-99 — 6-30-00 (PTD only)	2.15542
7-1-71 — 6-30-72	9.21795	7-1-00 — 6-30-01 (PTD only)	2.06137
7-1-72 — 6-30-73	8.70757	7-1-01 — 6-30-02 (PTD only)	2.00909
7-1-73 — 3-31-74 (PTD & certain TTD <sup>2</sup> )	8.28026	7-1-02 — 6-30-03 (PTD only)	1.99069
4-1-74 — 6-30-74 (PTD only)	8.28026	7-1-03 — 6-30-04 (PTD only)	1.94837
7-1-74 — 6-30-75 (PTD only)	7.79043	7-1-04 — 6-30-05 (PTD only)	1.88199
7-1-75 — 6-30-76 (PTD only)	7.19243	7-1-05 — 6-30-06 (PTD only)	1.81758
7-1-76 — 6-30-77 (PTD only)	6.63931	7-1-06 — 6-30-07 (PTD only)	1.79624
7-1-77 — 6-30-78 (PTD only)	6.06165	7-1-07 — 6-30-08 (PTD only)	1.71229
7-1-78 — 6-30-79 (PTD only)	5.78096	7-1-08 — 6-30-09 (PTD only)	1.63954
7-1-79 — 6-30-80 (PTD only)	5.36144	7-1-09 — 6-30-10 (PTD only)	1.61861
7-1-80 — 6-30-81 (PTD only)	4.95890	7-1-10 — 6-30-11 (PTD only)	1.58151
7-1-81 — 6-30-82 (PTD only)	4.51708	7-1-11 — 6-30-12 (PTD only)	1.56081
7-1-82 — 6-30-83 (PTD only)	4.25430	7-1-12 — 6-30-13 (PTD only)	1.54038
7-1-83 — 6-30-84 (PTD only)	4.09784	7-1-13 — 6-30-14 (PTD only)	1.50285
7-1-84 — 6-30-85 (PTD only)	3.99673	7-1-14 — 6-30-15 (PTD only)	1.45868
7-1-85 — 6-30-86 (PTD only)	3.87309	7-1-15 — 6-30-16 (PTD only)	1.40489
7-1-86 — 6-30-87 (PTD only)	3.75862	7-1-16 — 6-30-17 (PTD only)	1.37495
7-1-87 — 6-30-88 (PTD only)	3.64990	7-1-17 — 6-30-18 (PTD only)	1.34564
7-1-88 — 6-30-89 (PTD only)	3.49326	7-1-18 — 6-30-19 (PTD only)	1.28679
7-1-89 — 6-30-90 (PTD only)	3.33135	7-1-19 — 6-30-20 (PTD only)	1.24077
7-1-90 — 6-30-91 (PTD only)	3.18753	7-1-20 — 6-30-21 (PTD only)	1.18515
7-1-91 — 6-30-92 (PTD only)	3.01566	7-1-21 — 6-30-22 (PTD only)	1.03907
7-1-92 — 6-30-93 (PTD only)	2.91499	7-1-22 — 6-30-23 (PTD only)	1.01935
7-1-93 — 6-30-94 (PTD only)	2.70563		

<sup>2</sup> Use this conversion factor to compute TTD Retroactive Program benefits for workers receiving TTD at less than \$1,036.69 (80 percent of the July 1, 2023, state average weekly wage, \$1,295.86).

## RECOVERY FROM THIRD PERSONS

Under OAR 436-075-0090, Retroactive Program benefits are a portion of the paying agency's lien. Immediately report and remit recovered Retroactive Program benefits to the Workers' Compensation Division. For more information, see the contact information below.

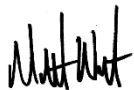
## ELIGIBILITY BASED ON INJURY DATE

The worker's injury must have occurred **BEFORE** the following dates:

TTD <sup>3</sup>	July 1, 1973
PTD	July 1, 2023
Fatal	July 1, 2023

For instructions on requesting Retroactive Program reimbursement, see Bulletin 102.

If you have questions about this bulletin, contact the Reimbursements Team by email, [WCD.SIRR-Reimbursements@DCBS.oregon.gov](mailto:WCD.SIRR-Reimbursements@DCBS.oregon.gov), or by phone, 503-947-7189.



---

Matt West, Interim Administrator  
Workers' Compensation Division

Distribution: WCD-LY, GovDelivery electronic mailing lists

---

<sup>3</sup> Effective July 1, 1977, workers with injuries occurring on or after July 1, 1973, but before April 1, 1974, receiving TTD at a rate less than \$1,036.69 (80 percent of the July 1, 2023, state average weekly wage, \$1,295.86) are entitled to Retroactive Program benefits.