

Proposed amendments providing for adjustment to the Permanent Partial Disability schedule in Minn. Stat. § 176.101, subdivision 2a.

Draft for discussion at the WCAC meeting on Oct. 13, 2021

1 **176.101 COMPENSATION SCHEDULE.**

2 **Subdivision 2a. Permanent partial disability.**

3 (a) Compensation for permanent partial disability is as provided in this subdivision. Permanent partial  
4 disability must be rated as a percentage of the whole body in accordance with rules adopted by the  
5 commissioner under section 176.105. For injuries occurring on or after October 1, 2022, the dollar  
6 amounts for the corresponding permanent partial disability ratings in the table in section 176.101,  
7 subdivision 2a, shall be increased by [X] percent over the dollar amounts in effect on September 30,  
8 2022. Beginning October 1, 2023, and each subsequent October 1, the dollar amount for each  
9 corresponding rating shall be increased by

- 10 • [the same percent increase in the statewide average weekly wage most recently computed  
11 under section 176.645, but without the annual cap provided by that section] or  
12 • [the same percent increase in the statewide average weekly wage most recently computed  
13 under section 176.645, subject to a cap of [X] percent] or  
14 • [the same percent increase in the statewide average weekly wage most recently computed  
15 under section 176.645, subject to the annual cap provided by that section] or  
16 • [[X] percent].

17 If there is no increase, or if there is a decrease, in the statewide average weekly wage, the dollar  
18 amounts shall not change for that year. The commissioner shall publish each updated table on the  
19 department's website annually by October 1.

20 (b) The percentage determined pursuant to the rules promulgated under section 176.105 must be  
21 multiplied by the corresponding amount in the following table, as adjusted according to paragraph (a),  
22 at the time permanent partial disability is payable according to paragraph (c):

23 [For the PPD table, see <https://www.revisor.mn.gov/statutes/cite/176.101#stat.176.101.2a>]

24 An employee may not receive compensation for more than a 100 percent disability of the whole  
25 body, even if the employee sustains disability to two or more body parts.

26 (c) ~~(b)~~ Permanent partial disability is payable upon cessation of temporary total disability under  
27 subdivision 1. If the employee requests payment in a lump sum, then the compensation must be paid  
28 within 30 days. This lump-sum payment may be discounted to the present value calculated up to a  
29 maximum five percent basis. If the employee does not choose to receive the compensation in a lump  
30 sum, then the compensation is payable in installments at the same intervals and in the same amount as

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31 the employee's temporary total disability rate on the date of injury. Permanent partial disability is not  
32 payable while temporary total compensation is being paid.

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34 Options regarding the initial threshold increase:

- To raise the most recent benefit schedule to where it would be as of October 1, 2022 if indexed for the SAWW since October 1, 1983, X=238.2%.
- To raise the most recent benefit schedule to where it would be as of October 1, 2022 if indexed for the SAWW since October 1, 2000, X=88.2%.
- To raise the most recent benefit schedule to where it would be as of October 1, 2022 if indexed for the SAWW since October 1, 2018, X=17.8%.

Summary of adjustment of benefit caps under Minnesota Statutes 176.645 since Oct. 1, 1992:

- Oct. 1, 1992 – Sept. 30, 1995: 4% cap
- Oct. 1, 1995 – Sept. 30, 2013: 2% cap
- Oct. 1, 2013 – Current: 3% cap

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[For a complete version of Minn. Stat. 176.645, see [Sec. 176.645 MN Statutes](#)]