

Disability Benefits

The benefits provided under Tennessee's workers' compensation law are set out in Tennessee Code Annotated, Title 50, Chapter 6. Basically the benefits are:

*Payment of temporary disability benefits until you are able to return to your job,
 Payment of permanent disability benefits if your compensable injury permanently lessens your ability to perform your job*

If your doctor, in the course of treating your compensable injury, determines that you are temporarily unable to return to work, then you are eligible for temporary total disability benefits. These benefits, also called lost time pay, are intended to replace part of the income you may lose as a result of your compensable injury. To receive temporary total disability benefits, **you must be on a leave without pay status** from your employer during the time you wish to receive the temporary total disability benefits. **You may choose to use your accumulated sick and annual leave instead of or prior to requesting temporary total disability benefits** since workers' compensation benefits will be less than the amount you would receive if you use your sick or annual leave. **This is a choice to be made by the employee.**

To qualify for temporary total disability benefits, you must be out of work due to your compensable injury for seven days. Your temporary total disability benefits would then begin to accrue on the eighth day of disability. If you are out of work for 14 days or more, then you are eligible to receive temporary disability benefits for the full period of disability. The amount of temporary total disability benefits you receive is equal to 66 and 2/3 percent of your average weekly wage at the time of your accident, subject to the following maximum amounts:

For Accidents Occurring	Maximum Weekly Payment
July 1, 2011 - June 30, 2012	\$867.90
July 1, 2012 - June 30, 2013	\$886.60
July 1, 2013 - June 30, 2014	\$918.50
July 1, 2014 - June 30, 2015	\$932.80
July 1, 2015 - June 30, 2016	\$943.80

You should be aware that disability benefits are not subject to federal withholding tax or FICA tax, so the amounts shown above represent "take home" amounts. If you elect to file for temporary total disability benefits, you will only be paid those benefits for the period of time during which your doctor prohibits you from returning to work or until you have reached maximum medical improvement. During any period for which you are receiving temporary total disability benefits, your department will also pay the full premium for your health insurance.

Payment Of Temporary Partial Disability Benefits

If, during your treatment and before you are fully recovered, your physician

determines that you can work on a part-time basis, then you are eligible for temporary partial disability benefits. The workers' compensation law provides for payment of 66 and 2/3 percent of the difference between the employee's wage at the time of the injury and the wage that the employee is able to earn while in a partially disabled condition, subject to the statutory maximums.

Payment of Permanent Disability Benefits

If your compensable injury results in a permanent reduction in your ability to perform work for which you are suited by education, age and training, then you may be eligible for permanent disability benefits. The decision on whether to offer you a permanent disability benefit will be reached after reviewing the recommendations of your treating physician. In addition, you may be required to be examined by an independent physician whose recommendations will also be considered. The benefit payable, if any, is based upon the degree to which you are permanently disabled. The degree of your disability (which eventually determines the amount of your disability benefit) is subject to agreement between you and the state.

For Accidents Occurring	Maximum Weekly Payment
July 1, 2011 - June 30, 2012	\$789.00
July 1, 2012 - June 30, 2013	\$806.00
July 1, 2013 - June 30, 2014	\$835.00
July 1, 2014 - June 30, 2015	\$848.00
July 1, 2015 - June 30, 2016	\$858.00

Permanent disability benefits are generally paid biweekly over the period of time necessary to pay the entire amount agreed upon by you and the state. In certain exceptional cases, the state may agree to pay permanent disability benefits in a lump sum. The maximum amount of benefits which may be paid to you depends on the date your compensable injury occurred.

For additional information, see <http://www.treasury.state.tn.us/wc/BeneTempDisability.html>.