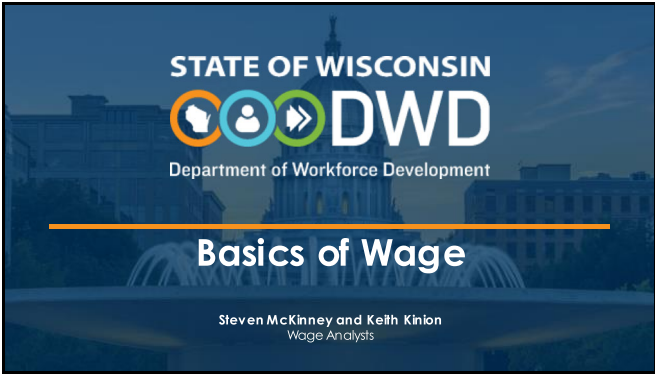




Overview

- Wisconsin wage statute and WKC 13-A1
- Calculating wages
- Temporary total disability (TTD), permanent partial disability (PPD), and escalation
- Wage investigation
- Part-time employees and self-restriction
- Wage variants
- Available reference resource

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Where Do Our Wage Rules Come From?

- Almost all wage "rules" are derived from Wisconsin Statute 102.11.
- Wages are calculated based on information provided in the Wage Information Supplement (WKC-13A1) form.
- To avoid a surcharge, WKC-13A1 must be filed within 30 days of the first WKC-13. If an "expect by" date is given, this deadline can be pushed back 90 days.

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WKC-13A1 – General Info

General Info

Pay Information

Gross Wages

Additions to Cash Wage

Scheduled Hours/Overtime

Part Time

Summary

Date of Birth (MM/DD/YYYY)

03/18/1982

Is the claimant an agricultural employee?

☐ Yes ☒ No

Insurer Contact Name

CLAIMS ADJUSTER

Insurer Contact Phone

(800) 555-1234

Insurer Contact Email

ADJUSTER@TESTINSURER1.COM

Next



WKC-13A1 – Pay Information

General Info

Pay Information

Gross Wages

Additions to Cash Wage

Scheduled Hours/Overtime

Part Time

Summary

1. ☐ Hourly Rate ☐ Weekly Rate ☐ Monthly Rate

\$

2. Pay Period End Date

12/31/2024

3. Pay Period Start Date

12/01/2024

4. Hours worked (differentiate if the claimant's hours are reported differently per hour or the time of day when the injury occurred, your differential per hour)

40

5. Exclusion rate of pay

0%

6. Basis of Pay (Wage Component)

Hourly

7. Insured employee (If the claimant is insured, enter the number of weeks in the report policy period)

10

8. Number of weeks

10



WKC-13A1 – Gross Wages

General Info

Pay Information

Gross Wages

Additions to Cash Wage

Scheduled Hours/Overtime

Part Time

Summary

1. Gross Wages (Wages in a 52 Week Period Prior To Week Of Injury. Exclude weeks of injury and top. Include annual commission, overtime, and bonuses)

\$ 00000.00

2. Number of weeks worked in 52 Week Period Prior To Week Of Injury. Exclude weeks of injury or the number of weeks

10

3. Date of file

08/15/2024

File

Next



WKC-13A1 – Additions to Cash Wage

General Info

Pay Information

Cross Wages

Additions To Cash Wage

Scheduled Hours/Overtime

Part Time

1. Free Wage: Enter number of weeks per week

Weeks per week

2. Daily Hours: Enter number of days per week

Days per week

3. Other additions to cash wage

Enter description of days

Enter weekly value amount

4. Did the respondent continue to receive additions to cash wage during the hearing period?

Yes

No

Print

Next



WKC-13A1 – Scheduled Hours Overtime

General Info

Pay Information

Cross Wages

Additions To Cash Wage

Scheduled Hours/Overtime

Part Time

1. Normal full time hours scheduled by the employer for the type of work

Full time hours

40.00

2. If employer scheduled claimant to work on a regular alternating weekly basis, enter the number of hours for the regular alternating schedule

Week on

Week off

20

20

3. Time and a half pay

If the employer paid time and a half, enter the number of hours worked before time and a half was paid

Hours worked

20

4. Double time pay

If the employer paid double time, enter the number of hours worked before double time was paid

Hours worked

5. Was claimant scheduled to work full time in this job each week?

Yes

No

Print

Next



WKC-13A1 – Part Time

General Info

Pay Information

Cross Wages

Additions To Cash Wage

Scheduled Hours/Overtime

Part Time

1. Does the claimant have employment outside of the employer at which the injury occurred?

Yes

No

2. Did the claimant work more than full time for less than 10 months prior to the injury?

Yes

No

3. Claimant's average weekly hours worked in the 10 months prior to the injury

Average hours

4. Does the claimant intend to return to work?

Yes

No

Print

Next



Calculating Average Weekly Wage

Average Weekly Wage will be based on the **greater** of:

Hourly Rate	X	Hours Per Week
or		
Gross Earnings	÷	Weeks Worked



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Hourly Rate

- Hourly Rate entered should be the rate the employee was earning **at the time of injury**.
- Break down any set rates of pay (weekly, monthly, salary) to an hourly rate.
- Include shift differential (additional amounts employer pays for working nights and weekends) in hourly rate if employee was earning it at time of injury.
- Hourly rate must be at least minimum wage.
 - \$7.25 per hour or \$2.33 per hour with tips.



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Hours Per Week

- Number of hours the employee is regularly scheduled to work each week.
- Full-time workers are assumed to be working 40 hours per week.
- For employees who work more or less than 40 hours per week, expect DWD to ask for hours worked in the 13 weeks prior to the injury.



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Gross Earnings

- Total gross taxable earnings the claimant earned in the 52-week period immediately prior to the week of injury.
- Do not include earnings from week of injury unless claimant was injured on a Friday or Saturday – then include those earnings.
- Include any bonuses.



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Gross Earnings (cont.)

- Do not include** in gross earnings:
- Any weeks where the claimant has disability earnings, FMLA, Temporary Total Disability (TTD), or Temporary Partial Disability (TPD) from a previous claim;
 - Tips (added in separately); or
 - Non-taxable earnings (reimbursements, per diem, etc.).



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Weeks Worked

- Total number of weeks worked in the 52 weeks prior to the week of injury.
- Weeks start on Sunday and end on Saturday.
- A week should be counted if any part of a week was worked (except the week of injury).
- Hours paid in lieu of work, such as vacation, holiday, or personal time, should be included as "worked."



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Hired to Work 40 Hours/Week

No Overtime

Hired: July 1, 2024 Hourly rate: \$20/hour	Date of injury: August 4, 2025	Average Weekly Wage: 40 hours x \$20.00 = \$800.00	TTD: \$533.36 PPD: \$446.00 (maximum)
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Less Than Six Weeks

- If an employee has worked less than six (6) weeks for this employer, gross earnings cannot be used to determine average weekly wage (AWW).
- AWW will only be based on the Hourly Rate x Hours per Week.

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Overtime

- Overtime (OT) should be paid at time and a half to employees if they have worked more than 40 hours in one week.
- Overtime should only be included in 'Hours Per Week' if employee regularly works a consistent schedule with more than 40 hours.
- If random amounts of overtime are worked each week, do **not** include overtime in 'Hours Per Week,' but include all overtime earnings in 'Gross Earnings.'

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Overtime (cont.)

The 'Hourly Rate x Hours Worked' equation turns into:

Hourly Rate x Regular Hours Worked

+

OT Rate x OT Hours Worked

OT Rate = Hourly Rate x 1.5



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Hired to Work 40 Hours/Week

With Overtime

Hired: July 1, 2024 Hourly rate: \$20/hour	Date of injury: August 4, 2025 100 hours OT in 52 weeks before injury	Average Weekly Wage: 40 hours x \$20.00 = \$800.00	Average Weekly Overtime: \$20 x 1.5 = \$30 x 100 = \$3,000 ÷ 52 = \$57.69
---	--	---	---



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Hired to Work 40 Hours/Week

With Overtime (cont.)

Average Weekly Wage: \$800 + \$57.69 = \$857.69	TTD: \$571.82 PPD: \$446.00 (maximum)
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Alternating Schedule

- If the claimant works an alternating schedule every two weeks (with no overtime either week,) the hours per week entered would be the average of the two weeks.
- If the claimant works an alternating schedule with overtime, the regular hours would be calculated separately from the overtime hours.



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Hired to Work Alternating Schedule

No Overtime

Hired:
July 1, 2024
Hourly rate:
\$20/hour

Date of injury:
August 4, 2025

Work
Schedule:
48 hours
alternating
with 32 hours
per week

Work
Schedule:
48 + 32 = 80
hours over
two weeks



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Hired to Work Alternating Schedule

No Overtime (cont.)

$80 \text{ hours} \div 2 = 40$
hours/week
 $40 \text{ hours} \times \$20 =$
\$800 average
weekly wage

TTD: \$533.36
PPD: \$446.00
(maximum)



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TTD and PPD Rates

- Temporary Total Disability (TTD) and Permanent Partial Disability (PPD) rates are 2/3 of the AWW until it reaches the maximum rate.
- If the claimant is younger than 27 years old, PPD is automatically set to the maximum rate.
 - Wages at the time of injury are not generally representative of the worker's career path.
 - TTD rates for young workers are still 2/3 of the AWW.



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Maximum TTD and PPD Rates - 2025

Category	Current
Average Weekly Wage	\$1,989.00
Temporary Total Disability	\$1,326.00
Permanent Partial Disability	\$446.00



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Wage and Rate Charts

- Publication WKC-9572-P Wage and Rate Chart:
 - Updated annually
 - Now covers rates since 2017
- Historical Wage and Rate Chart:
 - Updated annually
 - Covers rates since 1911 – the beginning of worker's compensation



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Escalation

- If there is a renewed period of TTD or TPD in the same claim that is:
 - Two or more years after the date of injury, and
 - The injured worker has returned to work for at least ten days before going back on TTD, then
- The rate used for the later period of temporary disability will be escalated in proportion to the current max rate.



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Escalation

- To calculate the escalated TD rate, you need to know the
 - Maximum rate at the time of the injury and
 - Maximum rate during the later period of disability.
- In claims that continue for many years, TD rate can be escalated multiple times.



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Escalation Example

	TTD	Max TTD	Percent
2021	\$507.62	\$1,094	46.4%
2025	\$615.26	\$1,326	46.4%

- In 2021, claimant's TTD rate was **\$507.62**, or 46.4% of the 2021 maximum TTD rate of \$1,094. He returned to work in 2022.
- In 2025, claimant resumed TTD for the same claim. His TTD rate was escalated to 46.4% of 2025 maximum TTD rate of \$1326, or **\$615.26**.



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Escalation

- Escalation can happen multiple times in the same claim.
- Pay attention to the letters we send you!
- Even if you don't calculate escalated TTD rates yourself, the worksheets will reflect what our claim system has calculated.
- If you have questions about the amounts, please let us know.



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Escalation

PYMT TYPE	DATE LDW	DATE RTW	RATE	HDAY	AMT CALC	AMT PAID
TTD	11/10/2011	12/5/2011	545.34	0.00	1,617.90	1,691.56
TTD	3/5/2012	4/18/2012	545.34	0.00	3,181.15	3,783.15
TPD	4/15/2012	6/3/2012	208.23	0.00	1,457.59	1,298.48
TTD	8/5/2019	5/18/2020	675.69	0.00	27,590.67	22,068.36
Totals for Temp Disability					34,047.21	29,041.57
TEMP DISABILITY DUE					5,005.64	

- Why might there be no escalation between first and second periods of TTD?
 - Less than two years between periods
 - Notice Rate change between first and last periods of TTD
 - TTD underpaid for last period of TTD



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Wage Investigation

- About 30% of WKC-13A1s filed will be put into "Wage Investigation."
- Of that 30%, about half will stay the same.
- Don't panic. We will let you know if we need more information.
- Once a claim is in Wage Investigation, only DWD can take it out of investigation. Submitting additional WKC-13A1s will not change that.



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Request for Week-by-Week Wages

WC CLAIM NO:
INJURY DATE:
EMPLOYEE:
EMPLOYER:
INSURER NO:

9999-999999
010108
SAMPLE-SAMPLER, TESTER SAMPLE
SAMPLE EMPLOYER

IF YOU CALL OR WRITE US
PLEASE USE WC CLAIM NO.

We received wage information that indicates the average weekly wage used for computing the TTD/PPD rate(s) may be incorrect. Please submit the following information for verification of the correct average weekly wage:

- A week-by-week listing of gross taxable earnings for the 52-week period starting immediately prior to the week in which the injury occurred. Include earnings for overtime, bonuses, incentive or performance pay, commissions and all other taxable earnings excluding tips.
- If the employee received tips, send a week-by-week list of the tips reported.
- If the employee worked for this employer less than 52 weeks prior to the week of injury, list earnings from the date of hire.

If you do not reply to this request for wage information within 30 days we may assess a surcharge of \$100 in accordance with s.102.35(1), Wis. Stats.

If you have questions or need help please contact us by calling (800) 296-1340 and then ask for a wage-analyst.

Thank you for your assistance in assuring correct compensation payments.

Why Would We Request This?

- Number of weeks worked entered on WKC-13A1 is impossible based on Date of Hire and Date of Injury.
- Quarterly gross earnings employer reported to UI is significantly different than reported on WKC-13A1.
- Something appears out of the norm:
 - Gross is very high or low,
 - Weeks are very high or low,
 - No tips reported for a job that typically gets tips,
 - Earnings fluctuate across quarters in UI database.

Questions?

Part-Time Employees



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Everyone's Benefits Are Based on Full-time

- 102.11(1)(a)3: "The average weekly earnings shall be arrived at by multiplying the employee's hourly earnings by the hours in the normal full-time work week as established by the employer."
- Full-time employees are those who are regularly scheduled to work more than 35 hours per week.
- For employees who work less than full time, the above statute expands their wages to full time.



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Everyone's Benefits Are Based on Full-time

- **As of 4/10/22:** For part-time employees, wage expansion to a 40-hour work week is limited to part-time employees who:
 - Are employed by another employer, **or**
 - Have been employed part-time for this employer for less than 12 months before the injury, unless they have submitted a signed and dated self-restriction form. (Repeal of s. 102.11(1)(am) and (f)1 and creation of s. 102.11(1)(ap))



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Except Self-Restricting PT Employees

- Employees are self-restricted to part-time employment when:
 - There is documentation from the employer confirming the job is only for part-time work, **or**
 - The employee states on the employment application that they only want to work part-time, **or**
 - Before the injury, the employee has voluntarily completed a self-restriction form. ([WKC-12698-e](#))



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Self-Restriction

- Employees who restrict themselves to part-time work on the **labor market** are eligible to have restricted claims.
- Self-restriction can only be applied by a wage analyst after all requirements have been met.



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Why Would an Employee Self-Restrict?

- **TID for part-time employees who self-restrict is paid at 100% of actual AWW – not .6667%!**
- Self-restricting to a part-time schedule is a way to reduce expanded hours to the **higher** of:
 - Hourly rate for average hours worked, **or**
 - Actual weekly gross earnings.
- Self-restriction does not affect the PPD rate. PPD will be calculated based on a non-restricted AWW.



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Limitations on Self-Restriction

- To elect self-restricted status and thus have TTD rate at 100% of wage:
 - Employee cannot have more than one job.
 - TTD rate cannot be more than it would be if hours were expanded to full time.



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Limitations on Self-Restriction

- Newly-hired part-time workers or those who work more than 27 hours per week are not eligible to self-restrict.
- Working more than 27 hours per week and being paid at 100% of AWW would make their benefit rate too high.



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Limitations on Self-Restriction

Hourly Rate	Hours Worked	AWW	% of AWW	TTD
\$20.00	40	\$800.00	.6667	\$533.36
\$20.00	27	\$540.00	100%	\$540.00
\$20.00	27	\$540.00	.6667	\$360.02
\$20.00 (self-restricted)	20	\$400.00	100%	\$400.00



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Limitations on Self-Restriction

- **Cannot** accept self-restriction forms that:
- Aren't signed and dated by employee or employee's legal guardian.
- Are coercive or misleading.
 - Must give an option to select yes or no.
 - Cannot imply stoppage of benefits if not filled out.



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Limitations on Self-Restriction

- **Cannot** accept self-restriction forms that:
- Reference the injury as a reason.
 - "Doctor said I couldn't work full time."
- Reference not being able to find full time work.
 - "Employer only had part-time work available."



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Limitations on Self-Restriction

- These are temporary reasons to request self-restriction:
 - Doctor will eventually release from care.
 - May still be looking for a full-time job.
 - May be looking for another part time job to bring income up to a 40 hour/week wage.
- A valid reason to request self-restriction:
 - Part-time employee on Social Security Disability who would jeopardize those benefits by working more than part-time.



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TEST INSURER 2
C/O TEST INSURER 2
123 JENNIFER ST
MADISON WI 53703

WC CLAIM NO: 9999-999999
INJURY DATE: 01/01/22
EMPLOYEE: SAMPLE-SAMPLER, TESTER SAMPLE
EMPLOYER: SAMPLE EMPLOYER
INSURER NO:

IF YOU CALL OR WRITE US,
PLEASE USE WC CLAIM NO.

You advised us that you are paying workers compensation benefits at 100% of the employee's actual wage. This is correct if at the time of the injury the employee restricted his or her availability to part-time work and was not employed elsewhere.

However, you did not include the required self-restriction statement from the employee. Please send us a self-restriction statement immediately.

If we do not receive a reply within 30 days, we will assume that the employee did not self-restrict, and we will increase the weekly rate to either two-thirds of the wages for 24 hours of work (if the employee was part of a class at the time of injury) or two-thirds of the wages for full-time work (usually 40 hours).



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Statement of Self-Restriction - Part 1
(WKC-1269B)



Department of Workforce Development
Workers' Compensation Division
201 E. Washington Ave., Rm. C100
P.O. Box 1801
Madison, WI 53701
Telephone (608) 266-1346
Toll-free (800) 266-2863
Fax (608) 261-5346
info@wi.wisconsin.gov
email: dwd@wi.wisconsin.gov

STATEMENT OF SELF-RESTRICTION
TO PART-TIME WORK

We need a Your Social Security Number (SSN) to process your claim. Failure to provide it may result in an information processing delay.

The Department of Workforce Development (DWD) is committed to providing prompt and accurate information. To ensure the accuracy of the information provided, we require that you provide a valid SSN. If you are unable to provide a valid SSN, please contact the DWD for more information.

EMPLOYEE NAME:
EMPLOYEE SSN: *
DATE OF INJURY:

This form is needed to properly compute the wage for your Worker's Compensation benefits. Please answer the following questions, sign, date and return to your insurance carrier or self-insured employer.

1. At the time of your injury, did you limit your availability in the labor market to part-time work or to work only with the employer where you were injured?
☐ Yes ☐ No

If Yes, explain your limitation:



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Statement of Self-Restriction – Part 2

2. At the time of your injury, were you also employed by another employer or self-employed?
☐ Yes ☐ No

If Yes, please provide us with the name and address of your other employer below:

Employer Name:

Employer Address:

Signed: _____ Dated: _____

Phone Number: (____) _____
Area Code



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Questions?

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Wage Variants

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Exceptional Basis of Pay

- Specific careers may have unique rules that calculate average weekly wage (AWW) differently from other jobs.
- On the WKC-13A1, select the "Exceptional Basis of Pay" option from the drop-down box in Section 1, Number 5.

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All the "Exceptional" Categories

Coach - Only	Newspaper Carrier - PT	School Bus Driver - PT
Commission Only - FT	Other	School Crossing Guard - PT
Commission Only - PT	Paid By The Mile - FT	Sheltered Employee - PT
Flight Attendant - PT	Paid by The Mile - PT	Sole Proprietor (Business Owner)
K-12 Cafeteria Worker - PT	Prisoner	Taxicab Driver
K-12 Teacher and Coach	Pro & Semi-Pro Athlete	Trucker - Owned Truck
K-12 Teacher Only	Pulp Cutter	Volunteer Fire Fighter/ EMT



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Teachers/School Workers

- The typical school year lasts 38 weeks. The number of weeks entered on the WKC-13A1 is the weeks worked.
- Teachers can opt to have their contract paid during the school year (38 weeks) or throughout the whole year (52 weeks), so paychecks might not reflect total earnings for the weeks worked.
- AWW is based on annual salary and percentage of contract fulfilled.



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Business Owners

- AWW based on Net Profit reported on business owners' taxes for the tax year prior to year of injury.
- Typically reported on either Schedule C or Schedule K-1. We will ask you to provide a copy of this.
- Minimum wage (AWW: \$290) is the lowest we will set business owners' AWW.
- If owners refuse to furnish the proper tax documents, wage will be set to minimum wage.



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Business Owners

- Note: if it's a small employer, check policy to see who business owner is.
- If injured worker is the business owner, ask for tax records (Schedule C or Schedule K-1) to be sure to pay correct rates.



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Commission-Only or Paid by the Mile

- Commission-only and Paid by the Mile are both in the "Exceptional" category and have no set rate of pay.
- For both full and part time, hourly rate is calculated by dividing gross earnings by hours worked.
 - Hourly rate $\times$ hours worked would not be considered.
- If they have worked fewer than six (6) weeks (i.e., cannot use gross), send similar wages of a comparable employee.



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Volunteer/Paid On-Call Firefighters

- AWW set to the maximum rate for the year of injury, or we will accept full-time wages from the nearest full-time/ career fire department.
- When submitting WKC-13A1, note which fire department you contacted to obtain the full-time wages.
- Refer to **Calculating Wage** binder for more detailed information on why we handle volunteer rescue worker wages this way.



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Updates: Calculating Wage Binder

- Resources on training page of DWC website include updated Calculating Wage.
- Now includes:
 - Clarification of how to figure wage for part-time and self-restricting employees;
 - More detailed explanation of calculating TPD benefits, with examples;
 - Deletion of references to part of class.



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Training Sessions and Workshops Page

Resources

- Calculating Wage (Updated January 2025)
- Case Study for Delays
- COVID-19 and WC
- Other Wisconsin Worker's Compensation Resources (Updated April 2025)



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Questions?

KEITH KINION (A-N)
(608) 266-3264
keithc.kinion@dwd.wisconsin.gov

STEVEN MCKINNEY (O-Z)
(608) 261-4406
steven.mckinney@dwd.wisconsin.gov



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