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MISSOURI

WORKERS' COMPENSATION LAW SUMMARY 07/01/2017 - 06/30/2018

BODY PART AFFECTED	WEEKS PAYABLE
Disability, body as a whole	400
Arm at shoulder	232
Arm between shoulder and elbow joint	222
Arm at elbow joint	210
Arm between elbow joint and wrist	200
Hand at wrist joint	175
Thumb at proximal joint	60
Thumb at distal joint	45
Index finger at proximal joint	45
Index finger at second joint	35
Index finger at distal joint	30
Middle or ring finger at proximal joint	35
Middle or ring finger at second joint	30
Middle or ring finger at distal joint	26
Little finger at proximal joint	22
Little finger at second joint	20
Little finger at distal joint	16
Leg at hip joint	207
Leg at or above knee	160
Leg leg at or above ankle and below knee joint	155
Foot at tarsus	150
Foot at metatarsus	110
Great toe of one foot at proximal joint	40
Great toe of one foot at distal joint	22
Any other toe at proximal joint	14
Any other toe at second joint	10
Any other toe at distal joint	8
Complete deafness in both ears	180
Complete deafness in one ear	49
Complete loss of sight in one eye	140

MAXIMUM WEEKLY BENEFITS & MILEAGE RATES			
Dates	TTD/PTD	PPD	Mileage
07/01/2006 to 06/30/2007	\$718.87	\$376.55	41.5¢/mile
07/01/2007 to 06/30/2008	\$742.72	\$389.04	45.5¢/mile
07/01/2008 to 06/30/2009	\$772.53	\$404.66	47.5¢/mile
07/01/2009 to 06/30/2010	\$807.48	\$422.97	50¢/mile
07/01/2010 to 06/30/2011	\$799.11	\$418.58	50¢/mile
07/01/2011 to 06/30/2012	\$811.73	\$425.19	48¢/mile
07/01/2012 to 06/30/2013	\$827.75	\$433.58	52.5¢/mile
07/01/2013 to 06/30/2014	\$853.08	\$446.85	53.5¢/mile
07/01/2014 to 06/30/2015	\$861.04	\$451.02	53¢/mile
07/01/2015 to 06/30/2016	\$886.92	\$464.58	54.5¢/mile
07/01/2016 to 06/30/2017	\$911.27	\$477.33	51¢/mile
07/01/2017 to 06/30/2018	\$923.01	\$483.48	50.5¢/mile

FRACTION OF A WEEK EXPRESSED AS A DECIMAL	
	1/7 = .14
	2/7 = .29
	3/7 = .43
	4/7 = .57
	5/7 = .71
	6/7 = .86

Burial Benefit: \$5,000.00
Minimum Compensation Rate: \$40.00 per week
Maximum Weeks of Disfigurement Allowed: 40 weeks

WORKERS' COMPENSATION ATTORNEYS

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AVERAGE WEEKLY WAGE (AWW):

- If the wages are fixed by the week, the amount so fixed shall be the AWW.
- If the wages are fixed by the month, the AWW shall be the monthly wage so fixed multiplied by twelve and divided by fifty-two.
- If the wages are fixed by the year, the AWW shall be the yearly wage fixed divided by fifty-two.
- If the wages are fixed by the day, hour, or by the output of the employee, the average weekly wage shall be computed by dividing by thirteen the wages earned while actually employed by the employer in each of the last thirteen weeks, by the number of calendar weeks, or any portion of a week, during which the employee was actually employed by the employer. However, the absence of five regular or scheduled work days, even if not in the same calendar week, shall be considered as absence for a calendar week and the wages earned during such week shall be excluded in computing the average weekly wage.
- If the employee has been employed less than two calendar weeks immediately preceding the injury, the employee's weekly wage shall be considered to be equivalent to the average weekly wage prevailing in the same or similar employment at the time of the injury, except if the employer has agreed to a certain hourly wage, then the hourly wage agreed upon multiplied by the number of weekly hours scheduled shall be the employee's average weekly wage.
- If the hourly wage has not been fixed or cannot be ascertained, or the employee earned no wage, the wage for the purpose of calculating compensation shall be taken to be the usual wage for similar services where such services are rendered by paid employees of the employer or any other employer.
- If an employee is hired by the employer for less than the number of hours per week needed to be classified as a full-time or regular employee, benefits computed for purposes of this chapter for permanent partial disability, permanent total disability and death benefits shall be based upon the average weekly wage of a full-time or regular employee engaged by the employer to perform work of the same or similar nature and at the number of hours per week required by the employer to classify the employee as a full-time or regular employee, but such computation shall not be based on less than thirty hours per week. (§287.250)

ACCIDENT: Defined as "an unexpected traumatic event or unusual strain identifiable by time and place of occurrence and producing at the time objective symptoms of an injury caused by a specific event during a single work shift." In order to be compensable, the accident must be the prevailing factor in causing the injury. Prevailing factor defines as the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. An injury is not compensable because work was a triggering or precipitating factor. (§287.020)

ALCOHOL & DRUG USE: 50% reduction in compensation penalty possible if employee fails to obey any rule or policy relating to drug or alcohol use in the workplace and injury is sustained "in conjunction with" the use of alcohol or drugs. (§287.120.6)

SAFETY VIOLATION: The employee's failure to use a safety device provided by the employer or failure to obey any reasonable rule adopted for the safety of employees shall reduce benefits by 25 to 50%. Failure must not be willful. Employers need only make a reasonable effort to cause employees to use safety devices and follow safety rules. (§287.120.5)

STATUTE OF LIMITATIONS: No proceedings for compensation under the Act shall be maintained unless a claim for compensation is filed with the division within two years after the date of injury or death, or the last payment made under the Act on account of the injury or death, except that if the report of injury or the death is not filed by the employer, per §287.380, the claim for compensation may be filed within three years after the date of injury, death, or last payment made on account of the injury or death. (§287.430)

NOTICE: No proceedings for compensation under this Act shall be maintained unless written notice of the time, place and nature of the injury, and the name and address of the person injured, have been given to the employer no later than thirty (30) days after the accident, unless the employer was not prejudiced by the failure to provide notice. For occupational disease or repetitive trauma, notice must be given no later than thirty (30) days after the diagnosis of the condition unless the employee can prove the employer was not prejudiced by failure to receive notice. (§287.420)

TEMPORARY TOTAL DISABILITY COMPENSATION: Employers may allow or require an employee to use any part of the EE's accumulated sick, vacation or personal time to attend medical treatment, rehab or evaluations. If an employee is receiving unemployment benefits they are disqualified from receiving TTD. If an employee is terminated for post-injury misconduct neither TTD/TPD are due. (§287.170)

WAITING PERIOD: No compensation shall be payable for the first three (3) days or less of disability during which the employer is open for the purpose of operating its business or enterprise unless the disability shall last longer than fourteen (14) days. If the disability lasts longer than fourteen days, payment for the first three days shall be made retroactively to the claimant. (§287.160.1)

JURISDICTION: The Workers' Compensation Act shall apply to all injuries received and occupational diseases contracted in this state, regardless of where the contract of employment was made, and also to all injuries received and occupational diseases contracted outside of this state under contract of employment made in this state, unless the contract of employment provides otherwise. The Act shall also apply to all injuries received and occupational diseases contracted outside this state where the employee's employment was principally localized in this state. (§287.110)

