

A New Year Brings New Rates: NJ and PA Workers' Compensation Benefits for 2023

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Workers' compensation benefits in New Jersey and Pennsylvania are calculated using a statewide average weekly wage (SAWW) that is published by the states' department of labor every year. The year of the worker's injury will determine the rates that apply.

In New Jersey, a worker's benefits are based on 70% of his average earnings. However, there is a maximum rate for benefits of \$1,099 per week and a minimum rate of \$293 per week. These caps reflect 75% and 20% of the SAWW. NJSA 34:15-12(a) and (b).

New Jersey also pays permanent partial disability benefits that are capped by 75% of the SAWW and 70% of the worker's average earnings, whichever is less. Aside from that limit, however, the worker's earnings do not matter, and benefits are payable based on the extent of the permanent disability. Rates for permanent partial disability benefits are located on an annual schedule of disabilities. NJSA 34:15-12(c).

In Pennsylvania, the rate for benefits is generally two-thirds of the worker's average earnings, subject to the SAWW as the maximum, which is \$1,273 per week. If the worker's earnings are \$707.21 or lower, the rate is 90% of that amount. If the earnings fall between \$954.75 and \$707.22 per week, there is an assigned flat rate of \$636.50 per week. Section 105.1 of the Act, 77 PS 525.1. The increase is 5.7%, which is also applied to medical benefits payable.

White and Williams will have a limited supply of physical rate cards for Pennsylvania beginning in January 2023. If interested, please make a request [here](#) and you will be added to our rate card distribution list.

For questions or further information, please contact Sandra Niemotka (niemotkas@whiteandwilliams.com; 215.864.6338).

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