LC 178
2026 Regular Session
12/30/25 (ASD/ps)

D R A F T

SUMMARY

Digest: The Act would pay a temp total disability comp claim based on the part of weekly pay that is at or below, or more than, 75% of the average weekly wage for the state. (Flesch Readability Score: 60.3).

Provides that the percentage of a worker's wage paid as compensation during a period of temporary total disability shall be determined by the portion of the worker's wage that is less than or equal to, or greater than, 75 percent of the state average weekly wage.

A BILL FOR AN ACT

Relating to ~~temporary~~ total disability; creating new provisions; and amending ORS 656.210.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 656.210 is amended to read:

656.210. [*(1) When the total disability is only temporary, the worker shall receive during the period of that total disability compensation equal to 66-2/3 percent of wages, but not more than 133 percent of the average weekly wage nor less than the amount of 90 percent of wages a week or the amount of $50 a week, whichever amount is less.*]

(1)(a) During a period of total disability that is temporary, the worker shall receive compensation equal to:

(A) Seventy-five percent of the worker's wage that is equal to or less than 75 percent of the average weekly wage in effect on the date of injury, but not less than the amount of 90 percent of the worker's wages a week or the amount of $50 a week, whichever amount is less; and

(B) Sixty-five percent of the worker's wage that is greater than 75 percent of the average weekly wage, but not more than 133 percent of

the average weekly wage <u>in effect on the date of injury</u>.

(b) Notwithstanding the limitation imposed by this subsection, an injured worker who is not otherwise eligible to receive an increase in benefits for the fiscal year in which compensation is paid shall have the benefits increased each fiscal year by the percentage which the applicable average weekly wage has increased since the previous fiscal year.

(2)(a) For the purpose of this section, the weekly wage of workers shall be [*ascertained*] **calculated**:

(A) For workers employed in one job at the time of injury, by multiplying the daily wage the worker was receiving by the number of days per week that the worker was regularly employed; or

(B) For workers employed in more than one job at the time of injury, by adding all earnings the worker was receiving from all subject employment.

(b) Notwithstanding paragraph (a)(B) of this subsection, the weekly wage calculated under paragraph (a)(A) of this subsection shall be used for workers employed in more than one job at the time of injury unless the insurer, self-insured employer or assigned claims agent for a noncomplying employer receives:

(A) Within 30 days of receipt of the initial claim, notice that the worker was employed in more than one job with a subject employer at the time of injury; and

(B) Within 60 days of the date of mailing a request for verification, verifiable documentation of wages from such additional employment.

(c) Notwithstanding ORS 656.005 (7)(c), an injury to a worker employed in more than one job at the time of injury is not disabling if no temporary disability benefits are payable for time lost from the job at injury. Claim costs incurred as a result of supplemental temporary disability benefits paid as provided in subsection (5) of this section may not be included in any data used for ratemaking or individual employer rating or dividend calculations by an insurer, a rating organization licensed pursuant to ORS chapter 737, the State Accident Insurance Fund Corporation or the Department of Consumer and Business Services if the injured worker is not eligible for permanent disability benefits or temporary disability benefits for time lost from the job at injury.

(d) For the purpose of this section:

(A) The benefits of a worker who incurs an injury shall be based on the wage of the worker at the time of injury.

(B) The benefits of a worker who incurs an occupational disease shall be based on the wage of the worker at the time there is medical verification that the worker is unable to work because of the disability caused by the occupational disease. If the worker is not working at the time that there is medical verification that the worker is unable to work because of the disability caused by the occupational disease, the benefits shall be based on the wage of the worker at the worker's last regular employment.

(e) As used in this subsection, "regularly employed" means actual employment or availability for such employment. For workers not regularly employed and for workers with no remuneration or whose remuneration is not based solely upon daily or weekly wages, the Director of the Department of Consumer and Business Services, by rule, may prescribe methods for establishing the worker's weekly wage.

(3) No disability payment is recoverable for temporary total or partial disability suffered during the first three calendar days after the worker leaves work or loses wages as a result of the compensable injury unless the worker is totally disabled after the injury and the total disability continues for a period of 14 consecutive days or unless the worker is admitted as an inpatient to a hospital within 14 days of the first onset of total disability. If the worker leaves work or loses wages on the day of the injury due to the injury, that day shall be considered the first day of the three-day period.

(4) When an injured worker with an accepted disabling compensable injury is required to leave work to receive compensable medical services for the compensable injury, the worker shall receive temporary disability benefits calculated pursuant to ORS 656.212 for the period during which the

worker is absent, until such time as the worker is determined to be medically stationary. However, benefits under this subsection are not payable if wages are paid for the period of absence by the employer. An insurer may require a worker to confirm the period during which the worker is absent from work to receive compensable medical services under this subsection. The notice requirement under ORS 656.262 (4)(j) does not apply to temporary disability benefits paid pursuant to this subsection.

(5)(a) The insurer of the employer at injury or the self-insured employer at injury, may elect to be responsible for payment of supplemental temporary disability benefits to a worker employed in more than one job at the time of injury. In accordance with rules adopted by the director, if the worker's weekly wage is determined under subsection (2)(a)(B) of this section, the insurer or self-insured employer shall be reimbursed from the Workers' Benefit Fund for the amount of temporary disability benefits paid that exceeds the amount payable pursuant to subsection (2)(a)(A) of this section had the worker been employed in only one job at the time of injury. Such reimbursement shall include an administrative fee payable to the insurer or self-insured employer pursuant to rules adopted by the director.

(b) If the insurer or self-insured employer elects not to pay the supplemental temporary disability benefits for a worker employed in more than one job at the time of injury, the director shall either administer and pay the supplemental benefits directly or shall assign responsibility to administer and process the payment to a paying agent selected by the director.

(6) The director shall adopt rules for the payment and reimbursement of supplemental temporary disability benefits under this section.

SECTION 2. The amendments to ORS 656.210 by section 1 of this 2026 Act apply to claims with a date of injury ~~for temporary total disability compensation~~ ~~for injuries sustained or diseases incurred~~ on or after January 1, 2027.

ORS 656.206(2) If permanent total disability results from a worker's injury, the worker shall receive compensation benefits equal to ~~66-2/3 percent of wages, no more than 133 percent of the average weekly wage or no less than 33 percent of the average weekly wage~~

(a) Seventy-five percent of the worker's wage that is equal to or less than 75 percent of the average weekly wage, but not less than 33 percent of the average weekly wage in effect on the date of injury; and

(b) Sixty-five percent of the worker's wage that is greater than 75 percent of the average weekly wage, but not more than 133 percent of the average weekly wage in effect on the date of injury.

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