



Oregon

Theodore R. Kulongoski, Governor

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To: Worker's compensation insurers, self-insured employers, third-party administrators, attorneys, and other interested parties

Subject: Application of the three-day waiting period to supplemental disability benefits

The Workers' Compensation Division recently learned that some insurers are applying more than one three-day waiting period on temporary disability benefits due to workers employed in more than one job at the time of injury.

When ORS 656.210 was changed to include calculating wages from multiple jobs when determining temporary disability, it did not change the application of the three-day waiting period. The change should not result in reduced benefits to the worker or increased responsibility for the employer-at-injury when determining the three-day period.

There is still only one claim and one temporary disability rate, regardless of whether the amount paid to the worker is supplemented by the division under ORS 656.210(5)(a). The three-day waiting period in ORS 656.210(3) applies only to the job-at-injury.

If any worker has had the three-day waiting period applied to supplemental disability benefits, the insurer should pay those benefits that were withheld. If an insurer was processing supplemental disability and sending the division a voucher to pay the benefits at the time the three-day waiting period was withheld, and the insurer has since elected to have the assigned processing agent process and pay the benefits, the insurer should inform Comp Pro, so the benefits withheld can be paid to the worker.

If you have any questions about this notice, please contact the Benefit Consultation Unit, (503) 947-7840, or (800) 452-0288.

John L. Shilts, Administrator
Workers' Compensation Division

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