

Turn to Us

Spring & Summer 2022



Seasonal & Temporary Work in Pennsylvania's *Workers' Compensation Act*

Seasonal and temporary workers occupy a critical role in our labor economy. These workers make sure your packages get there before Christmas, ensure the fruits and vegetables arrive fresh in your local grocery store, among other roles that cycle throughout the year. They fulfill specific roles for limited periods of time – but what happens when these workers suffer injuries on the job?

As with regular employees, the Pennsylvania Workers' Compensation Act provides coverage for lost earnings and medical expenses for seasonal and temporary workers. A frequent challenge following these injuries is determining the amount of compensation to be paid. The Act provides several methods of calculating the injured workers' "Average Weekly Wage," which is an amount that should reflect the injured workers' typical weekly earnings. The Average Weekly Wage will determine how much the injured worker receives in total and partial wage loss benefits.

While a regular employee may have completed a complete calendar year of work before an injury, providing an extensive history of wages of what they typically earn in their regular job, temporary and seasonal workers, by the very nature of their work, do not have enough earnings history to provide an accurate snapshot of their earnings. In cases where there was no fixed salary, and the injury occurs before the worker has completed thirteen weeks of work, problems frequently arise. When an injured worker has not completed work at least that long, the Average Weekly Wage will be calculated based on the hourly rate of pay multiplied by the number of hours the employee was expected to work per week under the terms of the employment. Insurance carriers often estimate full-time work alone at 40 hours per week, disregarding actual or promised overtime.

Seasonal workers face unique challenges in receiving an accurate calculation of their pre-injury wages. Regular and temporary employees must have their wages calculated based upon only their wages with the time-of-injury employer, as well as any wages from a second job in existence at the time of the injury. Whereas, injured seasonal workers' wages are calculated based upon all wages they have earned in the prior year. Insurance carriers may not have access to all the wage records, particularly if the injured worker has worked for multiple employers over that time.

Our seasoned workers' compensation attorneys have extensive knowledge and experience advocating for the proper calculation of injured workers' pre-injury earnings and post-injury benefits. If you have any questions regarding your workers' compensation wage loss benefits, reach out today for a free consultation!

