



Mirfak
Associates,
Inc.

577 Ygnacio Valley Road
Walnut Creek, CA 94596-3801

(925) 296-0300
Fax (925) 296-0301

Eugene E. Van de Bittner,
Ph.D., CRC, CLCP
Susan Van de Bittner,
Ph.D., RN, CLCP

www.mirfak.com

g@mirfak.com
s@mirfak.com

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Workers' Compensation Earning Capacity Formula (WCEC)

by

Eugene E. Van de Bittner, Ph.D., CRC
Mirfak Associates, Inc.
Walnut Creek, CA 94596
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Through the WCEC Formula, the calculation of diminished future earning capacity is expressed in the following equation:

$$DFEC = f(WLE) \times \left[\frac{\text{PRE-POST}}{\text{PRE}} \right]$$

Where:

DFEC = diminished future earning capacity
WLE = worklife expectancy
PRE = pre-injury earning capacity
POST = post-injury earning capacity
f = function of

This formula provides the vocational expert an empirically based methodology for calculating post-injury employability and resultant earning capacity. The post-injury earning capacity figure can then be applied to the formula to determine diminished future earning capacity expressed as a percentage.

The Workers' Compensation Earning Capacity Formula (WCEC) can be applied in determining diminished future earning capacity under SB 899 and Labor Code section 4660.

- I. Clarify Worklife Expectancy
 - A. Clarify date of birth, date of injury and P&S (MMI) date.
 - B. Determine pre-injury worklife expectancy.
 - C. Determine post-injury worklife expectancy.
- II. Establish Pre-injury Earning Capacity
 - A. Clarify wages at time of injury.
 - B. Clarify benefits at time of injury, particularly if they are likely to be substantially different post-injury.
 - C. Combine wages and benefits to establish pre-injury earning capacity.

- D. Consider wages alone, if you expect benefits to represent a comparable portion of earnings post-injury.
 - E. If necessary, convert partial workyear earnings to full workyear earnings.
- III. Calculate Post-injury Earning Capacity
- A. Use the total labor market access approach or the most suitable job(s) approach.
 - B. For the total labor market access approach, use the *McCroskey Transferable Skills Program* (MTSP), *OASYS*, *SkillTRAN*, or a comparable program to determine the entry-level wage for the highest paying job or jobs for which the injured employee has some or all of the skills required for employment.
 - C. For the most suitable job(s) approach, use the *RAPEL Method* or a related method to identify the most suitable jobs to use as the basis for post-injury earning capacity, using MTSP, OES, or another source of wage data.
 - D. Add a separate calculation for benefits if they are likely to be substantially different as a percentage of wages post-injury.
 - E. Calculate earnings after 3 to 5 years through the MTSP, OES, or another source of wage data.
 - F. Add benefits, if substantially different as a percentage of wages post-injury.
 - G. Determine earnings, if any, while in training.
 - H. Calculate the average hourly earnings for the first 3 to 5 years post-injury.
 - I. Calculate earnings for the remainder of the worklife post-injury.
- IV. Calculate future earning capacity.
- A. Earnings for the first 3 to 5 years plus training and job search time
 - B. Plus earnings for the remainder of worklife
 - C. Equals total post-injury EC
 - D. Pre-injury EC less post-injury EC
 - E. Equals DFEC
 - F. Divided by pre-injury EC
 - G. Equals the percentage of DFEC
 - H. Add any training related costs
 - I. Determine DFEC including training related costs
- V. Calculate the impact of any additional disability factors on DFEC.
- A. Medically necessary use of a mobility aid such as a cane, crutches, walker, or wheelchair.
 - B. Artificial member or brace.
 - C. Limited to part-time work, e.g., 4 hours per day only or 3 days per week only.
 - D. Need for extra or extended rest breaks, lie-down breaks, or unscheduled absences due to flare-ups.
 - E. Absences from work for anticipated surgeries and other treatment.
 - F. Need for ready access to a bathroom.
 - G. Special environmental limitations.