
California Permanent Disability - 88PDRS or 97PDRS

Rating Work Function by Analogy: LIFTING & CARRYING CAPACITY / STRENGTH & PHYSICAL EXERTION

Helping Employers with Job Modification Decisions

Ogilvie III –Vocational Rehabilitation & Diminished Future Earning Capacity

Officially we no longer rate permanent disability under the 88PDRS or 97PDRS. But the 1st District Courts of Appeal decision on 07-29-2011 (A126344-Wanda Ogilvie vs. WCAB) reversed the en-banc decision of the WCAB and brought back the concepts of open labor market, vocational rehabilitation and vocational rehabilitation experts. They provided three possible methodologies that can be used to rebut the scheduled DFEC with the most commonly used methodology based on the impact of the employee's injury to this rehabilitation potential.

It is important that claims administrators help employers understand the concepts of disability and functional loss. When physicians provide work restrictions and/or percentages of work functional loss, they will be able to compare the injured worker's abilities to perform work activities post-injury with the pre-injury performance and job requirements. They will be able to determine a rating standard based on a system of scheduled benchmarks that considers the severity of the residual functional loss with the physical demands (or essential job functions) as described in job descriptions or job analysis.

Work Capacity Functional Loss

In California we rate for disability factors that cause actual reduction of work capacity. **When describing work capacity functional loss, the physician should do so in terms of the proportionate loss of pre-injury capacity to perform a specific work function or a group of functions.** We do not rate Vocational Rehabilitation percentage estimates of reduced employment or unspecified / undefined percentages of loss.

- The evaluating physician, when describing work restrictions, preclusions, or functional limitations, should do so in terms of actual reduction of work capacity based on percentages of functional loss, rather than referring to limitations based on time, inability to lift specific weights, ability to returning to a specific occupation, or by the loss of functional capacity not determined by a work related percentage of functional loss.
- Scheduled Work Capacity Guidelines generally describe what the employee can and cannot do as the result of the injury. The Guidelines have been developed so that their described levels of functional loss can be applied directly to scheduled rating standards in the Disability Rating Schedule. *"All ratings are thus made within the framework of the PDRS, and not some on the basis of physical impairment and others on a wage loss concept."* - EP Welch

- **“What is the specific information of what the person lifted and carried at work? A general statement is insufficient [a 15- pound maximum lift and carry limit].**

The opinion example only generally states applicant had to “lift and carry things” (presumably) at work. However, there must be facts about the nature of the work in order to support an opinion that lifting and carrying things caused injury. What kinds of items were lifted and carried? How much did the items weigh? How often were the items carried? How far were the items moved? The questions are numerous. If the person is lifting and carrying two (2) ounces of paper clips, once a day, cumulative trauma to the low back from lifting and carrying would seem highly unlikely. If the person is carrying 100-pound blocks of granite 12 hours a day, cumulative trauma would seem more plausible. - The Judge’s Perspective: Writing Usable Medical Reports, by WCAB ALJ William J. Ordas / Nikki S. Udkovich.

Spine/Torso Work Capacity Guidelines

- **Spine/Torso Work Capacity Guidelines** address predetermined percentages of work capacity functional loss to perform a specific function or groups of functions.
- They start with a Limitation for No Very Heavy Lifting which states that an individual has lost 25% of his pre-injury capacity for lifting and culminating with the Limitation to Light Work which contemplates that an individual can do work in standing or walking position, with a minimum of demands for physical effort... a 99% to 100% loss of function for forfeul activities such as lifting, bending, pushing, pulling or other activities of comparable physical effort.

| 88 & 97 PDRS - WORK CAPACITY GUIDELINES | | | | | | | | | | | | | |
|---|----|-------------------------|-----|---|-----|---------|---------|----------------------------|-----------------------|--------|--------|-------|---------|
| Multiple disability factors will have some redundancy in how they affect specific abilities or overall function and an unrealistic result will be achieved by simply adding factors together. Multiple factors are compacted (scaled down) to avoid duplication and pyramiding. 97PDRS, pgs. 2-16 & 2-17, notes 35 to 50 and 2-19, notes 1 and 2. | | | | | | | | | | | | | |
| 00 | 03 | 05 | 08 | 10 | 13 | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 |
| Pre-Injury Loss: | | 10% | 15% | 20% | 25% | 30% | 40% | 50% | 55-60% | 65-70% | 75-80% | 85-90 | 95-100% |
| Spine/Torso Motion: | | 20-25% ↓ | | | | | | 50% | | | 80%+ | | |
| Residual Lifting Capacity for 76-100 ^{lbs.} : | | | | ↑ 51-75 | | | ↑ 26-50 | | ↑ 11-25 | | ↑ 0-10 | | |
| Residual Lifting Capacity for 51-75 ^{lbs.} : | | | | ↑ 26-50 | | ↑ 11-25 | ↑ 0-10 | | No Substantial Work ↓ | | | | |
| Fixed Neck/Head ↓ | | ↑ No Very Heavy Lifting | | | | | | ↑ No Heavy Work | | | | | |
| No Heavy Lifting ↓ | | | | | | | | Limitation to Light Work ↓ | | | | | |
| No Very Heavy Work ↓ | | | | ↑ No Heavy Lifting Repeated Bending & Stooping: | | | | | | | | | |
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Percentage Levels of Work Functional Loss – Defined by PDRS Benchmarks

The following tables are based on the DWC Rehabilitation Unit RU-91, The US Department of Labor, Dictionary of Occupational Titles, The Spine & Torso Guidelines, The pre 05PDRS DEU Guidelines and definitions of functional loss found within both the 88PDRS & 97PDRS. The four main levels of functional loss are 25%, 50%, 75% and 100%.

| Percentage Levels of Work Functional Levels - From Scheduled Benchmarks & By Analogy | | |
|--|---|---|
| <ul style="list-style-type: none"> Loss of pre-injury work capacity can be estimated broadly in four main levels addressing the 25%, 50%, 75%, and 100% levels of functional loss. When sufficient information is available, the physician should be able to estimate more precisely the overall level of functional loss. <i>“Loss of pre-injury capacity at levels that are rated by considering the relative severity of the disability in comparison with scheduled benchmarks and assigning a standard appropriate to the loss of pre-injury capacity. 97PDRS. Pg 1-8</i> | | |
| 25% -Occasional Loss of Pre-injury capacity | 50% -Intermittent Loss of pre-injury capacity | 75% -Frequent Loss of pre-injury capacity |
| <u>Prolonged/ Very Heavy or Forceful</u> Very Heavy Lifting Very Heavy Work Very Forceful / Very Repetitive Overhead Work | <u>Repetitive/Forceful/Strenous</u> Heavy Lifting / Heavy Work Repetitive Manipulation Power/Forceful/Strenuous | <u>Substantial</u> |
| Sustained/Constant – 90-100% <u>Limitation to Light Work: Work with Minmal Demands for Physical Effort</u> | | |

RATING LIFTING CAPACITY / STRENGTH PHYSICAL EXERTION (By Analogy)

Residual disability due to reduction of lifting ability is rated based on the actual “loss of work capacity” by referring to the “percentage loss of function” or “proportionate loss to perform a specific function”. [97PDRS, page 1-4]

- **97PDRS, page 2-14 and 88PDRS. page 1a**
 - Under No Very Heavy Lifting, you find the general guidelines for determining “loss of lifting capacity.”
 - A statement “inability to lift 50 pounds” is not meaningful.
 - To be able to determine a level of residual disability based on loss of pre-injury capacity due to an inability to lift, the physician must compare the individual’s pre-injury lifting capacity with the current lifting capacity, taking into consideration the total lifting effort, weight, distance, endurance, frequency, body position and comparable physical factors with reference to a particular individual.

The following tables provide the equivalent Dictionary of Occupational Titles (DOT) physical demands definitions to the corresponding Division of Workers’ Compensation (DWC) Occupational Group Number Designations. It also matches the DWC Rehabilitation Unit’s Lifting Categories of the RU-91

For injuries after 4/1/97 both the 97PRS & 05PDRS designation of occupational group numbers are composed of a 3-digit number. The 1st Digit signifies the group's general strength level. The Table matches the PDRS 1st Digit of The Occupational Group Numbers to the Strength / Arduousness Level and General Job Classifications of the DOT Occupational Dictionary.

- It is important to be aware that there is a difference in the Pre-Injury Values used in the Job Analysis or Job Descriptions for the Daily Lifting & Carrying Requirements. Both the DOT and the RU-91 use the following definitions

| | |
|--|---|
| KEY: Physical Demands – Strength Rating, pages 1012 & 1013 of the DOT OD. | |
| MOVE OBJECTS | Lifting, carrying, pushing, pulling, including the human body. |
| ARM/LEG CONTROLS | Include (not limited) to buttons, knobs, pedals, levers & cranks. |
| 1. OCCASIONAL (OCC) | Up to 1/3 of the time (Up to 3 Hours) |
| 2. FREQUENT (FREQ) | From 1/3 to 2/3 of the time (3-to-6 Hours) |
| 3. CONSTANT (CONST) | 2/3 or more of the time (6-to-8 Hours) |
| Occasional, Frequent and Constant have a different percentage value under the California Labor Code of Regulation Definitions (Section 9727) and those found within the PDRS (LC Section § 4660) | |

Determining a Rating Standard from Residual Lifting Capacity Lbs Levels

- For this calculation to have any validity it is important to know the injured worker's pre-injury lifting capacity from a job analysis or job description.
- The table is designed to rate the injured worker's **Post-Injury** residual lifting capacity.
- It is important to be aware that there is a difference in the **Pre-Injury** Values used in the Job Analysis or Job Descriptions of the Daily Lifting & Carrying Requirements.
- We are rating the Post-Injury proportionate loss of pre-injury capacity to perform a specific work function with the overall percentages of functional loss of 25%, 50% and 75%.**
- Again, Residual Disability due to reduction of lifting ability is rated based on the actual "loss of work capacity" by referring to the "percentage loss of function" or "proportionate loss to perform a specific function". [97PDRS, page 1-4.]
 - 97PDRS, page 2-14 and 88PDRS, page 1a

Residual Lifting Table Chart - Pre-Injury Lifting Capacity Range - 76-100lbs.

When Pre-Injury Lifting Capacity is in the Range of 51-75^{lbs} - Divide Result by one-half (1/2)

- Determine Highest Level of Functional Loss. Do Not Add or Combine multiple levels of loss. Rating to be based on the Highest Level of Pre-injury capacity Functional Loss.**
- Multiple disability factors will have some redundancy in how they affect specific abilities or overall function, and an unrealistic result will be achieved by simply adding factors together. Multiple factors are compacted (scaled down) to avoid duplication and pyramiding.

| Residual Lifting Capacity | Job Classification (DOT) | Rating Standards | | Pre-injury capacity functional loss Multiply RS by % of Loss | | | Modified RS for PDRS Adjustments |
|---------------------------|--------------------------|--------------------------|---------|---|-----|-----|----------------------------------|
| | | Spine/Torso Both Ext. | One Arm | 75% | 50% | 25% | |
| | | | | | | | |
| 5-10 | Light Work | 40 | 20 | | | | |
| 11-25 | Medium Wor | 30 | 15 | | | | |
| 26-50 | Heavy Work | 20 | 10 | | | | |
| 51-75 | Very Heavy | 10 | 05 | | | | |
| 76-100 | | 00 | 00 | | | | |

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PDRS Occupational Group #s DOT Physical Demands & RU-91

| DOT Physical Demands and DWC Occupational Group Number Designations Includes RU-91 Lifting/Carrying Categories | | | | |
|--|---|---|----------------------------|-------------|
| DWC Strength Designator (1 st Digit of Group #) | REQUIREMENTS | Strength Factors (DOT Occupational Dictionary Page 1013) | | RU-91 |
| 1. Very Light Work/Sedentary Work | MOVE OBJECTS | 0-10 lbs. of force OCC | Negligent Force FREQ-Const | 0-10 lbs. |
| | SITTING | Sits Most of the Time | | |
| | WALKING/STANDING | Occasionally (Briefs Walking/Standing) | | |
| 2. Light Work | MOVE OBJECTS | 0-20 lbs. of force OCC | Negligent Force CONST | 11-25 lbs. |
| | SITTING | Pushing/Pulling Arm/Leg Controls | | |
| | WALKING/STANDING | Work At A Production Rate | | |
| 3. Medium Work | MOVE OBJECTS | 20-50 lbs. of force OCC | 10-25 lbs. of force FREQ | 26-50 lbs. |
| | SITTING | 10 lbs. of force CONSTANTLY | | |
| | WALKING/STANDING | | | |
| 4. Heavy Work | MOVE OBJECTS | 50-100 lbs. of force OCC | 25-50 lbs. of force FREQ | 51-75 lbs. |
| | SITTING | 10- 20 lbs. of force CONSTANTLY | | |
| | WALKING/STANDING | | | |
| 5. Very Heavy Work | MOVE OBJECTS | 100lbs. of force OCC | +50 lbs. of force FREQ | 76-100 lbs. |
| | SITTING | +20 lbs. of force CONSTANTLY | | |
| | WALKING/STANDING | | | |
| KEY: Physical Demands – Strength Rating, pages 1012 & 1013 of the DOT OD. | | | | |
| MOVE OBJECTS | Lifting, carrying, pushing, pulling, including the human body. | | | |
| ARM/LEG CONTROLS | Include (not limited) to buttons, knobs, pedals, levers & cranks. | | | |
| 4. OCCASIONAL (OCC) | Up to 1/3 of the time (Up to 3 Hours) | | | |
| 5. FREQUENT (FREQ) | From 1/3 to 2/3 of the time (3-to-6 Hours) | | | |
| 6. CONSTANT (CONST) | 2/3 or more of the time (6-to-8 Hours) | | | |
| Occasional, Frequent and Constant have a different percentage value under the California Labor Code of Regulation Definitions (Section 9727) and those found within the PDRS (LC Section § 4660) | | | | |
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DOT Strength Designation & Typical Energy Requirement in METS

| Physical Demand Level | Occasional 0-33% of the workday | Frequent 34% -66% of the workday | Constant 67%-100% of the workday | Typical Energy Required |
|-----------------------|------------------------------------|-------------------------------------|-------------------------------------|-------------------------|
| Very Light/Sedentary | 10lbs | Negligible | Negligible | 1.5-2.3METS |
| Light | 20 lbs. | 10 lbs. | Negligible | 2.2-3.5METS |
| Medium | 20 to 50 lbs. | 10 to 25 lbs. | 10 lbs. | 16 - 6.3 METS |
| Heavy | 50 to 100 lbs. | 25 to 50 lbs. | 10 to 20 lbs, | 6,4 - 7.5 METS |
| Very Heavy | Over 100 lbs. | Over 50 lbs. | Over 20 lbs. | Over 7. 5 METS |

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