

GREEN SHEET REDIGEST

HB 529

2024 Regular Session

Crews

WORKERS COMPENSATION: Provides relative to the determination of the average weekly wage.

DIGEST

Present law defines certain terms, including the term "wages".

Present law provides that the term "wages" means the average weekly wage at the time of the accident. The average weekly wage shall be determined based on the type of wages, which includes hourly wages, monthly wages, annual wages, and other wages.

Proposed law repeals the provisions of present law as they relate to hourly wages, monthly wages, annual wages, and other wages and instead redefines wages to be determined as follows:

- (1) The employee's total earnings divided by the total number of weeks which the employee was employed by the employer during the 52 weeks preceding the work accident, excluding the first week of the accident and subject to a maximum period of the 52 calendar weeks immediately preceding the work accident. Any week in which the employee earned no wages due to unpaid leave which was approved by the employer or unpaid leave under the Family and Medical Leave Act shall not be included for purposes of calculating the employee's average weekly wage. Proposed law provides that if the employee is paid on an hourly basis and the employee is employed for 40 hours or more per week, his wages shall be that amount provided in proposed law but not less than 40 hours per week at the employee's hourly rate of pay.
- (2) Except as provided in proposed law, total earnings are limited to compensation paid by the employer and shall be limited to the following:
 - (a) Full-time, part-time, hourly, monthly, annual, or seasonal employment.
 - (b) Paid sick leave, paid vacation, or paid holidays. Sick leave, vacation, or holidays that are earned but not paid shall not be included in total earnings.
 - (c) Unit, odd-lot, or piecework employment.
 - (d) Tips reported to the employer for purposes of federal income taxes.
 - (e) Incentive pay, commissions, bonuses.
 - (f) Earnings received from any concurrent employment if the employee works less than 40 hours per week in the employment from which the work accident arises.

Proposed law provides that in no event shall the total earnings exceed the higher of total earnings actually paid to the employee for the employment giving rise to the work accident, or total earnings that would have been paid had he worked 40 hours per week.

Proposed law provides that the employee shall bear the burden of proving concurrent employment and earnings from concurrent employment and shall provide documentation of the employment to the employer.

Proposed law provides that if an employee has not worked at least one full week excluding the first week of employment and of the work accident, the average weekly wage shall be the average weekly wage agreed upon by the employer and employee at the time of employment.

Present law defines "part-time employee".

Proposed law repeals the definition of "part-time employee".

(Amends R.S. 23:1021(13); Repeals R.S. 23:1021(11))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill:

1. Replace provisions of proposed law that define wages with a new definition.
2. Make technical and title changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Labor and Industrial Relations to the engrossed bill

1. Make technical changes.
2. Redefine the term "wages".