
DIGEST

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Broadwater

HB No. 1069

Abstract: Provides for the calculation of average weekly wage for variable wage employment contracts.

Present law provides for the determination of the average weekly wage of an injured worker.

Present law provides the method of calculating average weekly wage depending on how an employee was being compensated at the time of injury.

Present law provides definitions.

Proposed law defines variable wage employment contract to include any contract that provides for variable wages dependent on an employee's activity, job description, job status, a temporal consideration, or any other condition based on a variable wage rate.

Proposed law provides how an employee's average weekly wage is calculated when he is employed under a variable wage employment contract.

Proposed law provides that if an employee's actual contractual wage at the time of injury is based on a daily rate, then his average weekly wage shall be calculated by multiplying the employee's actual contractual daily wage rate on the date of injury by seven days.

Proposed law provides that if an employee's actual contractual wage rate at the time of injury is based on a weekly wage rate, then his actual contractual weekly wage rate at the time of injury shall be the calculated average weekly wage rate.

Proposed law provides that if the employee's actual contractual wage rate at the time of injury is based on a monthly wage rate, then his average weekly wage shall be calculated by dividing his actual monthly wage rate at the time of injury by four and three-tenths weeks.

Proposed law provides that any written employment contract that does not provide for the same wage rate for each pay period during the entire term of the contract shall be deemed to be a variable wage employment contract.

(Amends R.S. 23:1021(13)(e)-(g); Adds R.S. 23:1021(13)(h))