
HOUSE COMMITTEE AMENDMENTS

2024 Regular Session

Amendments proposed by House Committee on Labor and Industrial Relations to Original House Bill No. 529 by Representative Crews

1 AMENDMENT NO. 1

2 On page 1, delete line 2 in its entirety, and insert the following:

3 "To amend and reenact R.S. 23:1021(13) and to repeal R.S. 23:1021(11),"

4 AMENDMENT NO. 2

5 On page 1, delete line 6 in its entirety, and insert the following:

6 "Section 1. R.S. 23:1021(13) is hereby amended and reenacted to"

7 AMENDMENT NO. 3

8 On page 1, delete lines 12 through 20 in their entirety and insert in lieu thereof the following:

9 "(13) "Wages" means average weekly wage at the time of the accident,
10 which shall be determined as follows: The average weekly wage shall be determined
11 as follows:"

12 (a) ~~Hourly wages.~~ The employee's total earnings divided by the total number of
13 weeks which the employee was employed by the employer prior to the work accident,
14 excluding the week of the accident and subject to a maximum period of the fifty-two
15 calendar weeks immediately preceding the work accident.

16 (b) Except as provided in Item (vi), total earnings are limited to
17 compensation paid by the employer and shall be limited to the following:

18 (i) Full-time, part-time, hourly, monthly, annual, or seasonal employment.

19 (ii) Paid sick leave, paid vacation, or paid holidays. Sick leave, vacation, or
20 holidays that are earned but not paid shall not be included in total earnings.

21 (iii) Unit, odd-lot, or piecework employment.

22 (iv) Tips reported to the employer.

23 (v) Incentive pay, commissions, or bonuses.

24 (vi) Earnings received from any concurrent employment if the employee
25 works less than forty hours per week in the employment from which the work
26 accident arises.

27 (aa) Notwithstanding the provisions of this Paragraph, in no event shall total
28 earnings exceed the higher of total earnings actually paid to the employee for the
29 employment giving rise to the work accident, or total earnings that would have been
30 paid for such employment had he worked forty hours per week.

31 (bb) The employee shall bear the burden of proving concurrent employment
32 and earnings from concurrent employment and shall provide documentation of such
33 to the employer.

34 (c) If the employee has not worked at least one full week preceding the week
35 of the work accident, the average weekly wage shall be the average weekly wage
36 agreed upon by the employer and employee at the time of employment."

37 AMENDMENT NO. 4

38 On page 2, delete lines 1 through 15 in their entirety

39 AMENDMENT NO. 5

41 On page 4, delete line 11 in its entirety and insert the following:

42 "~~(e)~~(d) Exceptions. For municipal police officers, additional compensation
43 paid by the state pursuant to R.S. 40:1667.3 shall not be included in the calculation

1 and computation of total salary or average weekly wage to the extent such officer
2 continues to receive such additional compensation during the period of his disability.

3 ~~(f)~~(e) Income tax. In the determination of "wages" and the average weekly
4 wage at the time of the accident, no amount shall be included for any benefit or form
5 of compensation which is not taxable to an employee for federal income tax
6 purposes; however, any amount withheld by the employer to fund any nontaxable or
7 tax-deferred benefit provided by the employer and which was elected by the
8 employee in lieu of taxable earnings shall be included in the calculation of the
9 employee's wage and average weekly wage including but not limited to any amount
10 withheld by the employer to fund any health insurance benefit provided by the
11 employer and which was elected by the employee in lieu of taxable earnings shall be
12 included in the calculation of the employee's wage and average weekly wage.

13 ~~(g)~~(f) Date of accident. In occupational disease claims the date of the
14 accident for purposes of determining the employee's average weekly wage shall be
15 the date of the employee's last employment with the employer from whom benefits
16 are claimed or the date of his last injurious exposure to conditions in his
17 employment, whichever date occurs later."