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**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

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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, which shall  
10 be determined as follows: ~~The average weekly wage shall be determined as follows:~~

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

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

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

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

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

21 (iv) Tips reported to the employer.

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

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

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

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

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

35 AMENDMENT NO. 4

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

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38 AMENDMENT NO. 5

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

40 "~~(e)~~(d) Exceptions. For municipal police officers, additional compensation paid by  
41 the state pursuant to R.S. 40:1667.3 shall not be included in the calculation and computation  
42 of total salary or average weekly wage to the extent such officer continues to receive such  
43 additional compensation during the period of his disability.

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

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