

Regular Session, 2011

SENATE BILL NO. 143

BY SENATOR QUINN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WORKERS' COMPENSATION. Excludes certain unanticipated bonus payments from the determination of payroll, wages, and average weekly wage at the time of the accident. (8/15/11)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 23:1021 and to enact R.S.
3 22:1452(C)(15.1) and R.S. 23:1021(11.1) and (12)(h), relative to workers'
4 compensation; to exclude certain unanticipated bonuses that are paid by an employer
5 from the determination of wage and average weekly wage and payroll when the
6 bonuses are beyond the contract of employment; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1452(C)(15.1) is hereby enacted to read as follows:

9 §1452. Purpose of rate regulation; construction; definitions

10 * * *

11 C. As used in this Subpart, the following definitions shall be applicable:

12 * * *

13 **(15.1) "Payroll", for purposes of determining the premium rate to be**
14 **paid for workers' compensation coverage, shall not include any bonus paid by**
15 **an employer that is not part of the employment contract with the employee and**
16 **which is paid at the sole discretion of the employer.**

17 Section 2. The introductory paragraph of R.S. 23:1021 is hereby amended and

1 reenacted and R.S. 23:1021(11.1) and (12)(h) are hereby enacted to read as follows:

2 §1021. Terms defined

3 As used in this Chapter, unless the context clearly indicates otherwise, the
4 following terms shall be given the ~~meaning~~ meanings ascribed to them in this
5 Section:

6 * * *

7 **(11.1) "Payroll", for purposes of determining the premium to be paid for**
8 **workers' compensation coverage, shall not include any bonus paid by an**
9 **employer that is not part of the employment contract with the employee and**
10 **which is paid at the sole discretion of the employer.**

11 * * *

12 (12) "Wages" means average weekly wage at the time of the accident. The
13 average weekly wage shall be determined as follows:

14 * * *

15 **(h) In the determination of "wages" and the average weekly wage at the**
16 **time of the accident, no amount shall be included for any bonus paid by an**
17 **employer which is not anticipated under the contract of employment and that**
18 **is paid at the sole discretion of the employer.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

Proposed law provides that the term "payroll" for purposes of determining the premium rate to be paid for workers' compensation coverage shall not include any bonus paid by an employer that is not part of the employment contract with the employee and which is paid at the sole discretion of the employer.

Proposed law, relative to workers' compensation, provides that "wages" and the determination of average weekly wage at the time of the accident do not include any bonus paid by an employer which is not anticipated under the contract of employment and that is paid at the sole discretion of the employer.

Effective August 15, 2011.

(Amends R.S. 23:1021(intro para); adds R.S. 22:1452(C)(15.1) and R.S. 23:1021(11.1) and (12)(h))