

Regular Session, 2014

SENATE BILL NO. 159

BY SENATOR MURRAY

WORKERS' COMPENSATION. Provides relative to definition of wages. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 23:1021(13)(c), relative to workers' compensation; to provide
3 for the calculation of workers' compensation benefits; to provide for the method of
4 calculating wages; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:1021(13)(c) is hereby amended and reenacted to read as follows:

7 §1021. Terms defined

8 As used in this Chapter, unless the context clearly indicates otherwise, the
9 following terms shall be given the meaning ascribed to them in this Section:

10 * * *

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

13 * * *

14 (c) Annual wages.

15 (i) If the employee is employed at an annual salary, his annual salary divided
16 by fifty-two.

17 (ii) The calculation provided for in Item (i) of this Subparagraph shall

1 apply even though the employee has not yet received the first paycheck of the
2 employee's annual salary.

3 (iii) If the individual is a salaried employee but the employer and
4 employee have agreed by contract that the employment will be paid during
5 regular occurring periods of less than fifty-two weeks, the employee's wages
6 shall be calculated by dividing the employee's total contractually agreed upon
7 salary by the number of weeks provided for in the employment contract so long
8 as the employee is not a seasonal worker as defined in Item (13)(a)(v) of this
9 Section.

10 Section 2. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Murray (SB 159)

Present law provides that the calculation of workers' compensation benefits is based upon the manner in which the employee is paid for their work.

Present law provides that if the employee is employed at an annual salary, his annual salary will be divided by 52 in order to calculate his workers' compensation benefits.

Proposed law retains present law but provides that even though the employee has not yet received the first paycheck of the employee's annual salary, the employee's workers' compensation benefit will be computed by dividing his annual salary by 52 weeks.

Proposed law retains present law but provides that if the individual is a salaried employee but the employer and employee have agreed by contract that the salary will be paid during regular occurring periods of less than 52 weeks, the employee's wages will be calculated by dividing the employee's total contractually agreed upon salary by the number of weeks provided for in the employment contract so long as the employee is not a seasonal worker.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 23:1021(13)(c))