

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 143 by Senator Quinn

1 AMENDMENT NO. 1

2 On page 1, delete lines 13 through 16 and insert the following:

3 "(15.1) (a) "Payroll", for purposes of determining the premium rate to  
4 be paid for workers' compensation coverage, shall not include an unanticipated  
5 bonus paid to an employee by an employer.

6 (b) A bonus payment is unanticipated if all of the following conditions  
7 are met:

8 (i) The payment is not part of an oral or written employment agreement.

9 (ii) The payment is paid as an arbitrary and gratuitous disbursement.

10 (iii) The payment is paid at the sole discretion of the employer.

11 (iv) The payment is paid only once a year, in the month immediately  
12 before or the month immediately after the employer's fiscal year end.

13 (v) The employee has previously been paid wages by the employer  
14 during the twelve-month period prior to receipt of the bonus.

15 (vi) The payment does not exceed ten percent of the wages previously  
16 paid to the employee for the year.

17 (c) A bonus payment that does not meet all the requirements contained  
18 in this Paragraph is to be included in the premium rate to be paid for workers'  
19 compensation coverage.

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21 AMENDMENT NO. 2

22 On page 2, delete lines 7 through 10 and insert the following:

23 "(11.1) (a) "Payroll", for purposes of determining the premium rate to  
24 be paid for workers' compensation coverage, shall not include an unanticipated  
25 bonus paid to an employee by an employer.

26 (b) A bonus payment is unanticipated if all of the following conditions  
27 are met:

28 (i) The payment is not part of an oral or written employment agreement.

29 (ii) The payment is paid as an arbitrary and gratuitous disbursement.

30 (iii) The payment is paid at the sole discretion of the employer.

31 (iv) The payment is paid only once a year in the month immediately  
32 before or the month immediately after the employer's fiscal year end.

33 (v) The employee has previously been paid wages by the employer  
34 during the twelve-month period prior to receipt of the bonus.

35 (vi) The payment does not exceed ten percent of the wages previously  
36 paid to the employee for the year.

37 (c) A bonus payment that does not meet all the requirements contained  
38 in this Paragraph is to be included in the premium rate to be paid for workers'  
39 compensation coverage."

40 AMENDMENT NO. 3

41 On page 2, delete lines 15 through 18 and insert the following:

42 "(h)(i) In the determination of "wages" and the average weekly wage at  
43 the time of the accident, no amount shall be included for an unanticipated bonus  
44 paid to an employee by an employer.

45 (ii) A bonus payment is unanticipated if all of the following conditions  
46 are met:

47 (aa) The payment is not part of an oral or written employment  
48 agreement.

49 (bb) The payment is paid as an arbitrary and gratuitous disbursement.

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- (cc) The payment is paid at the sole discretion of the employer.
- (dd) The payment is paid only once a year in the month immediately before or the month immediately after the employer's fiscal year end.
- (ee) The employee has previously been paid wages by the employer during the twelve-month period prior to receipt of the bonus.
- (ff) The payment does not exceed ten percent of the wages previously paid to the employee for the year.
- (iii) A bonus payment that does not meet all the requirements contained in this Subparagraph is to be included in the determination of "wages" and the average weekly wage at the time of the accident."