SLS 12RS-534 ORIGINAL

Regular Session, 2012

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SENATE BILL NO. 238

BY SENATOR MURRAY

WORKERS' COMPENSATION. Provides relative to determination of average weekly wage of professional athletes. (8/1/12)

AN ACT

2	To amend and reenact R.S. 23:1021(12)(c), relative to definition of wages for purposes of
3	workers' compensation benefits; to provide for computation of average weekly wage
4	for professional athletes entitled to workers' compensation; and to provide for related
5	matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 23:1021(12)(c) is hereby amended and reenacted to read as follows:
8	§1021. Terms defined
9	As used in this Chapter, unless the context clearly indicates otherwise, the
10	following terms shall be given the meaning ascribed to them in this Section:
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	(c) Annual wages.
16	(i) If the employee is employed at an annual salary, his annual salary divided
17	by fifty-two.

(ii) If the employee is a professional athlete who signs a contract of hire on an annual basis, average weekly wage shall be determined by the annual contract agreement in force at the time of the injury, dividing that annual salary by fifty-two. This shall be the computation without regard as to when the professional athlete was injured, whether during the season or preseason offseason training sessions.

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

DIGEST

<u>Present law</u> provides for the use of actual current earnings in the computation of average weekly wage rather than the annual contractual earnings for all workers, including a professional athlete under contract.

<u>Proposed law</u> would provide an exception to this general rule in the case of a professional athlete who has signed a contract for hire. <u>Proposed law</u> would require, in the case of such athlete, that the annual contractual salary stipulated in the current contract agreement be divided by 52 to determine average weekly wage.

<u>Proposed law</u> would provide that the use of the annual contractual salary divided by 52 shall be paid whether the work-related injury occurred during the season or in the off-season.

Effective August 1, 2012.

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(Amends R.S. 23:1021(12)(c))