

Regular Session, 2012

HOUSE BILL NO. 1073

BY REPRESENTATIVE BROADWATER

WORKERS COMPENSATION: Provides with respect to the determination of wages for professional athletes

1 AN ACT

2 To amend and reenact R.S. 23:1021(12)(d), relative to workers' compensation; to provide
3 for the determination of the average weekly wage of a professional athlete; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:1021(12)(d) 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 (12)

12 * * *

13 (d) Other wages.

14 (I) If the employee is employed on a unit, piecework, commission, or other
15 basis, his gross earnings from the employer for the twenty-six week period
16 immediately preceding the accident divided by the number of days the employee
17 actually worked for the employer during ~~said~~ the twenty-six week period and
18 multiplied by the average number of days worked per week; however, if such an
19 employee has worked for the employer for less than a twenty-six week period
20 immediately preceding the accident, his gross earnings from the employer for the

1 period immediately preceding the accident divided by the number of days the
2 employee actually worked for the employer during ~~said~~ the period and multiplied by
3 the average number of days worked per week.

4 (ii)(aa) If the employee is employed as a professional athlete and has signed
5 a contract for hire, is on an official club roster, and is injured during the regular
6 season, his average weekly wage shall be determined by his contract.

7 (bb) If the employee is employed as a professional athlete who has signed
8 a contract for hire, is not on an official club roster during the regular season, and is
9 injured during any portion of the off-season or pre-season, his average weekly wage
10 shall be calculated based on the actual off-season or pre-season wages earned at the
11 time of the injury.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Broadwater

HB No. 1073

Abstract: For the purposes of workers' compensation, provides for the determination of the average weekly wage for professional athletes.

Present law defines "wages" to mean the average weekly wage at the time of the accident.

Present law provides guidelines for the calculation of average weekly wage for different situations including monthly wages, annual wages, hourly wages, and other wages.

Proposed law provides that the average weekly wage of a professional athlete who has a contract, is on the club roster, and is injured during the regular season, will be determined by his contract.

Proposed law further provides that the average weekly wage of a professional athlete who has a contract, but is not on the club roster during the regular season and is injured during the off-season or pre-season, shall be calculated based on the actual off-season or pre-season wages earned at the time of the accident.

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