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IN THE HOUSE

BY MR. SANDERS

HOUSE BILL NO. 64

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act providing the method of determining the basis upon which compensation shall be paid; amending Section 9 of Ch. 193, SLA 1959."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. Sec. 9 of Ch. 193, SLA 1959, is hereby amended to read as follows:

Section 9. Determination of Pay. Except as otherwise provided in this Act, the [AVERAGE] weekly wage of the injured employee at the time of the injury shall be taken as the basis upon which to compute compensation. [AND SHALL BE DETERMINED AS FOLLOWS:]

[(1) IF THE INJURED EMPLOYEE SHALL HAVE WORKED IN THE EMPLOYMENT IN WHICH HE WAS WORKING AT THE TIME OF THE INJURY, WHETHER FOR THE SAME OR ANOTHER EMPLOYER, DURING SUBSTANTIALLY THE WHOLE OF THE YEAR IMMEDIATELY PRECEDING HIS INJURY, HIS AVERAGE ANNUAL EARNINGS SHALL CONSIST OF THREE HUNDRED TIMES THE AVERAGE DAILY WAGE OR SALARY FOR A SIX-DAY WORKER AND TWO HUNDRED SIXTY TIMES THE AVERAGE DAILY WAGE OR SALARY FOR A FIVE-DAY WORKER, WHICH HE SHALL HAVE EARNED IN SUCH EMPLOYMENT DURING THE DAYS WHEN SO EMPLOYED.]

[(2) IF THE INJURED EMPLOYEE SHALL NOT HAVE WORKED IN SUCH EMPLOYMENT DURING SUBSTANTIALLY THE WHOLE OF SUCH YEAR, HIS AVERAGE ANNUAL EARNINGS IF A SIX-DAY WORKER, SHALL

1 CONSIST OF THREE HUNDRED TIMES THE AVERAGE DAILY WAGE OR
2 SALARY, AND, IF A FIVE-DAY WORKER, TWO HUNDRED AND SIXTY
3 TIMES THE AVERAGE DAILY WAGE OR SALARY, WHICH AN EMPLOYEE
4 OF THE SAME CLASS WORKING SUBSTANTIALLY THE WHOLE OF SUCH
5 IMMEDIATELY PRECEDING YEAR IN THE SAME OR IN SIMILAR EMPLOY-
6 MENT IN THE SAME OR A NEIGHBORING PLACE SHALL HAVE EARNED
7 IN SUCH EMPLOYMENT DURING THE DAYS WHEN SO EMPLOYED.]

8 [(3) IF EITHER OF THE FOREGOING METHODS OF ARRIVING AT
9 THE AVERAGE ANNUAL EARNINGS OF THE INJURED EMPLOYEE CANNOT
10 REASONABLY AND FAIRLY BE APPLIED, SUCH AVERAGE ANNUAL
11 EARNINGS SHALL BE SUCH SUM AS, HAVING REGARD TO THE PREVIOUS
12 EARNINGS OF THE INJURED EMPLOYEE IN THE EMPLOYMENT IN WHICH
13 HE WAS WORKING AT THE TIME OF THE INJURY, AND OF OTHER
14 EMPLOYEES OF THE SAME OR MOST SIMILAR CLASS WORKING IN THE
15 SAME OR MOST SIMILAR EMPLOYMENT IN THE SAME NEIGHBORING
16 LOCALITY, OR OTHER EMPLOYMENT OF SUCH EMPLOYEE, INCLUDING
17 THE REASONABLE VALUE OF THE SERVICES OF THE EMPLOYEE IF
18 ENGAGED IN SELF-EMPLOYMENT, SHALL REASONABLY REPRESENT THE
19 ANNUAL EARNING CAPACITY OF THE INJURED EMPLOYEE.]

20 [(4) THE AVERAGE WEEKLY WAGES OF AN EMPLOYEE SHALL BE
21 ONE FIFTY-SECOND PART OF HIS AVERAGE ANNUAL EARNINGS.]

22 (1)[(5)] If it be established that the injured employee
23 was a minor when injured, and that under normal conditions
24 his wages should be expected to increase during the period
25 of disability the fact may be considered in arriving at his
26 [AVERAGE] weekly wages.