

1 IN THE HOUSE BY THE COMMERCE AND LABOR COMMITTEE
2 CS FOR HOUSE BILL NO. 64
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SECOND LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the method of determining
7 the basis upon which compensation shall be
8 paid and providing for advance compensation
9 payments; amending Sec. 9 and Subsec. (4) of
10 Sec. 13, Ch. 193, SLA 1959."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 Section 1. Sec. 9, Ch. 193, SLA 1959 is amended to read:

13 Sec. 9. DETERMINATION OF PAY. Except as otherwise
14 provided in this Act, the [AVERAGE] weekly wage of the
15 injured employee at the time of the injury shall be taken
16 as the basis upon which to compute compensation. If such
17 actual earnings do not reasonably represent his wage earning
18 capacity, the board shall fix such wage earning capacity as
19 shall be reasonable. [AND SHALL BE DETERMINED AS FOLLOWS:]

20 [(1) IF THE INJURED EMPLOYEE SHALL HAVE WORKED IN
21 THE EMPLOYMENT IN WHICH HE WAS WORKING AT THE TIME OF THE
22 INJURY, HIS AVERAGE ANNUAL EARNINGS SHALL CONSIST OF THREE
23 HUNDRED TIMES THE AVERAGE DAILY WAGE OR SALARY FOR A SIX-DAY
24 WORKER AND TWO HUNDRED SIXTY TIMES THE AVERAGE DAILY WAGE OR
25 SALARY FOR A FIVE-DAY WORKER, WHICH HE SHALL HAVE EARNED IN
26 SUCH EMPLOYMENT DURING THE DAYS WHEN SO EMPLOYED.

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

1 SHALL CONSIST OF THREE HUNDRED TIMES THE AVERAGE DAILY WAGE
2 OR 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
9 ARRIVING AT THE AVERAGE ANNUAL EARNINGS OF THE INJURED
10 EMPLOYEE CANNOT REASONABLY AND FAIRLY BE APPLIED, SUCH
11 AVERAGE ANNUAL EARNINGS SHALL BE SUCH SUM AS, HAVING REGARD
12 TO THE PREVIOUS EARNINGS OF THE INJURED EMPLOYEE IN THE
13 EMPLOYMENT IN WHICH HE WAS WORKING AT THE TIME OF THE INJURY,
14 AND OF OTHER EMPLOYEES OF THE SAME OR MOST SIMILAR CLASS
15 WORKING IN THE SAME OR MOST SIMILAR EMPLOYMENT IN THE SAME
16 NEIGHBORING LOCALITY, OR OTHER EMPLOYMENT OF SUCH EMPLOYEE,
17 INCLUDING THE REASONABLE VALUE OF THE SERVICES OF THE EMPLOYEE
18 IF ENGAGED IN SELF-EMPLOYMENT, SHALL REASONABLY REPRESENT
19 THE ANNUAL EARNING CAPACITY OF THE INJURED EMPLOYEE.

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

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

28 Sec. 2. Subsec. (4), Sec. 13, Ch. 193, SLA 1959 is amended
29 to read:

CS for HB/#64

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(4) If the employer controverts the right to compensation he shall file with the Board on or before the fourteenth day after he has knowledge of the alleged injury or death, a notice, in accordance with a form prescribed by the Board, stating that the right to compensation is controverted, the name of the claimant, the name of the employer, and date of the alleged injury or death, and the grounds upon which the right to compensation is controverted; provided, however, that if the right to compensation being controverted involves the amount of compensation to be paid for temporary disability, the employer shall immediately begin and continue to make advance payments of not less than \$50.00 per week until the Board shall fix the rate of compensation for such temporary disability.