

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1542 Session of
1985

INTRODUCED BY SAURMAN, STABACK, MOWERY, POTT, CLYMER, FLICK,
SIRIANNI, BARLEY, NOYE, GREENWOOD, VROON, GODSHALL, BOOK,
HERSHEY, E. Z. TAYLOR AND DORR, JUNE 27, 1985

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 27, 1985

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled, as
2 reenacted and amended, "An act defining the liability of an
3 employer to pay damages for injuries received by an employe
4 in the course of employment; establishing an elective
5 schedule of compensation; providing procedure for the
6 determination of liability and compensation thereunder; and
7 prescribing penalties," further providing for the
8 determination of compensation.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 306(a) of the act of June 2, 1915
12 (P.L.736, No.338), known as The Pennsylvania Workmen's
13 Compensation Act, reenacted and amended June 21, 1939 (P.L.520,
14 No.281), amended December 5, 1974 (P.L.782, No.263), is amended
15 to read:

16 Section 306. The following schedule of compensation is
17 hereby established:

18 (a) For total disability, sixty-six and two-thirds per
19 centum of the wages of the injured employe as defined in section
20 three hundred and nine beginning after the seventh day of total

1 disability, and payable for the duration of total disability,
2 but the compensation shall not be more than the maximum
3 compensation payable nor less than the lessor of fifty per
4 centum of the Statewide average weekly wage or ninety per centum
5 of the employee's weekly wages. If at the time of injury, the
6 employee receives wages equal to or less than fifty per centum of
7 the Statewide average weekly wage, then he shall receive ninety
8 per centum of his average weekly wage as compensation[, but in
9 no event less than thirty-three and one-third per centum of the
10 maximum weekly compensation payable]. Nothing in this clause
11 shall require payment of compensation after disability shall
12 cease.

13 * * *

14 Section 2. Section 309(e) of the act, amended March 29, 1972
15 (P.L.159, No.61), is amended to read:

16 Section 309. Wherever in this article the term "wages" is
17 used, it shall be construed to mean the average weekly wages of
18 the employee, ascertained in accordance with rules and
19 regulations of the department as follows:

20 * * *

21 (e) In occupations which are exclusively seasonal and
22 therefore cannot be carried on throughout the year, the average
23 weekly wage shall be taken to be one-fiftieth of the total wages
24 which the employee has earned from all occupations during the
25 twelve calendar months immediately preceding the injury, unless
26 it be shown that during such year, by reason of exceptional
27 causes, such method of computation does not ascertain fairly the
28 earnings of the employee, in which case the period for
29 calculation shall be extended so far as to give a basis for the
30 fair ascertainment of his average weekly earnings.

1 The terms "average weekly wage" and "total wages," as used in
2 this section, shall include board and lodging received from the
3 employer, and in employments in which employes customarily
4 receive not less than one-third of their remuneration in tips or
5 gratuities not paid by the employer, gratuities shall be added
6 to the wages received but such terms shall not include amounts
7 deducted by the employer under the contract of hiring for labor
8 furnished or paid for by the employer and necessary for the
9 performance of such contract by the employee, nor shall such
10 terms include deductions from wages due the employer for rent
11 and supplies necessary for the employee's use in the performance
12 of his labor.

13 Where the employee is working under concurrent contracts with
14 two or more employers, his wages from all such employers shall
15 be considered as if earned from the employer liable for
16 compensation.

17 If under clauses (a), (b), (c), (d) and (e) of this section,
18 the amount determined is less than if computed as follows, his
19 computation shall apply, viz.: Divide the total wages earned by
20 the employee during the last two completed calendar quarters with
21 the same employer by the number of days he worked for such
22 employer during such period multiplied by [five] the number of
23 days per week on average that the employee worked or was
24 scheduled to work.

25 * * *

26 Section 3. This act shall take effect in 60 days.