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## State of Minnesota

## HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4538

03/23/2022

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The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy

1.1 A bill for an act

1.2 relating to workers' compensation; modifying wage calculations for agriculture

1.3 employees; amending Minnesota Statutes 2020, section 176.011, subdivision 18.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2020, section 176.011, subdivision 18, is amended to read:

1.6 Subd. 18. **Weekly wage.** "Weekly wage" is arrived at by multiplying the daily wage by

1.7 the number of days and fractional days normally worked in the business of the employer

1.8 for the employment involved. If the employee normally works less than five days per week

1.9 or works an irregular number of days per week, the number of days normally worked shall

1.10 be computed by dividing the total number of days in which the employee actually performed

1.11 any of the duties of employment in the last 26 weeks by the number of weeks in which the

1.12 employee actually performed such duties, provided that the weekly wage for part time

1.13 employment during a period of seasonal or temporary layoff shall be computed on the

1.14 number of days and fractional days normally worked in the business of the employer for

1.15 the employment involved. If, at the time of the injury, the employee was regularly employed

1.16 by two or more employers, the employee's days of work for all such employments shall be

1.17 included in the computation of weekly wage. Occasional overtime is not to be considered

1.18 in computing the weekly wage, but if overtime is regular or frequent throughout the year it

1.19 shall be taken into consideration. The maximum weekly compensation payable to an

1.20 employee, or to the employee's dependents in the event of death, shall not exceed 66-2/3

1.21 percent of the product of the daily wage times the number of days normally worked, provided

1.22 that the compensation payable for permanent partial disability under section 176.101,

1.23 subdivision 2a, and for permanent total disability under section 176.101, subdivision 4, or

2.1 death under section 176.111, shall not be computed on less than the number of hours normally  
2.2 worked in the employment or industry in which the injury was sustained, subject also to  
2.3 such maximums as are specifically otherwise provided. A worker working in agriculture  
2.4 employment fewer than 30 calendar days in a year who has concurrent employment or is  
2.5 regularly employed by two or more employers shall have the worker's weekly wage calculated  
2.6 based only on the agricultural wages at five times the worker's daily wage, or based only  
2.7 on the worker's other concurrent employment, whichever is higher.