



Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bill 6640 (as passed by the House)
Sponsor: Representative David Robertson
House Committee: Employment Relations, Training, and Safety
Senate Committee: Commerce and Labor

Date Completed: 12-13-06

CONTENT

The bill would amend the Worker's Disability Compensation Act to do both of the following:

- Use wages earned at the date of injury, rather than the time of application, to determine an injured professional athlete's eligibility for workers' compensation benefits.
- Establish a presumption that an injured professional athlete would not have a loss of earnings during the off-season for his or her sport.

Currently, a person who suffers an injury arising out of and in the course of employment as a professional athlete is entitled to weekly benefits only when his or her average weekly wages in all employment at the time of application for benefits, and thereafter, are less than 200% of the State average weekly wage. The bill would refer to the person's average weekly wages in all employment at the date of injury, rather than at the time of application for benefits and thereafter.

In addition, under the bill, a person who suffered an injury arising out of and in the course of employment as a professional athlete would be presumed not to have a loss of earnings or earning capacity as the result of a compensable injury or disease during the off-season when the sport was not played. The presumption could be rebutted only by a preponderance of the evidence showing that the person suffered a loss of earning capacity and wage loss in all off-season employment within the employee's qualifications, training, and experience.

MCL 418.360

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Pratt
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