

## Elrich Amendment

**Purpose:** To ensure that the calculation of the number of an employer's number of employees must be done when the employer first becomes subject to the provisions of this Act, and that transition schedule applicable at that time remains applicable through the transition, regardless of the number of employees employed by the employer in subsequent years.

*Add a new sentence beginning on line 79 as follows:*

- (d) For the purposes of subsections (a), ~~[[and]]~~ (b), and (c), an employer's number of employees must be calculated based upon the employer's average number of employees per calendar week during the preceding calendar year for any and all weeks during which at least one employee worked for compensation. For employers that did not have any employees during the preceding calendar year, the employer's number of employees must be calculated based upon the average number of employees who worked for compensation per calendar week during the first 90 calendar days of the current year in which the employer engaged in business. An employer's number of employees must be calculated at the time the employer first becomes subject to this Act, and that employer remains subject to the applicable schedule under subsection (a), (b), or (c), regardless of the number of employees employed by the employer in subsequent years.