

O. D.

(b) Compensation payable by the Commonwealth under subsection (a) of this section shall be paid out of appropriations made from time to time to the department out of the General Fund in the State Treasury.

(c) In all claims for compensation partially payable by the Commonwealth under subsection (a) of this section, the department shall be designated as a codefendant.

(d) In all agreements for the payment of compensation and all awards, the amount payable by the employer and the amount payable by the Commonwealth shall be separately stated. An award against the employer shall be for only the percentage of the total compensation which the employer is obligated to pay under subsection (a) of this section, not to exceed the stated percentage of the maximum payable by the employer under section 301 (a) 2 of this act, or if section 301 (a) 2 be inapplicable, then under sections 306 and 307 of this act. A separate award shall be made against the Commonwealth for the balance of the compensation payable under said sections, which shall be payable out of appropriations made as aforesaid. Nothing in this section shall prohibit the Commonwealth from entering into agreements to pay the compensation for which it is liable: Provided, however, That where compensation is payable under the provisions of subsection (a) of this section, the Commonwealth shall not enter into an agreement unless the employer is a party to the agreement: And provided further, That any such agreement shall contain facts sufficient to entitle the claimant to compensation and shall be accompanied by a supporting medical certificate. All such agreements shall be approved by the board or by a referee.

†Section 309. Whenever in this article the term "wages" is used, it shall be construed to mean the average weekly wages of the employee ascertained as follows:

(a) If at the time of the disability the wages are fixed by the week, the amount so fixed shall be the average weekly wage.

(b) If at the time of the disability the wages are fixed by the month, the average weekly wage shall be the monthly wage so fixed, multiplied by twelve and divided by fifty-two.

(c) If at the time of the disability the wages are fixed by the year, the average weekly wage shall be the yearly wage so fixed, divided by fifty-two.

(d) If at the time of the disability the wages are fixed by the day, hour, or by the output of the employee, the average weekly wage shall be the wage most favorable to the employee, computed by dividing by thirteen the total wages of said employee earned in the employ of the employer in the first, second, third, or fourth period of thirteen consecutive calendar weeks in the fifty-two weeks immediately preceding the disability, or in case the employee receives wages monthly or semi-monthly, by dividing by thirteen the total wages of said employee earned in the employ of the employer in the first, second, third, or fourth period of three consecutive calendar months in the year immediately preceding the disability.

If the employee has been in the employ of employer less than thirteen

† As amended by Act No. 410, Laws of 1949; and by Act No. 355, Laws of 1955, effective March 29, 1956.