

HOUSE BILL No. 5481

April 29, 2014, Introduced by Rep. Graves and referred to the Committee on Commerce.

A bill to amend 1969 PA 317, entitled
 "Worker's disability compensation act of 1969,"
 by amending section 356 (MCL 418.356), as amended by 1994 PA 271.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 356. (1) An injured employee who, at the time of the
 2 personal injury, is entitled to a rate of compensation less than
 3 50% of the then applicable state average weekly wage as determined
 4 for the year in which the injury occurred pursuant to section 355,
 5 may be entitled to an increase in benefits after 2 years of
 6 continuous disability. After 2 years of continuous disability, the
 7 employee may petition for a hearing at which the employee may
 8 present evidence ~~—~~that, by virtue of the employee's age,
 9 education, training, experience, or other documented evidence which
 10 would fairly reflect the employee's earning capacity, the
 11 employee's earnings would have been expected to increase. Upon

1 presentation of this evidence, a worker's compensation magistrate
2 may order an adjustment of the compensation rate up to 50% of the
3 state average weekly wage for the year in which the employee's
4 injury occurred. The adjustment of compensation, if ordered, shall
5 be effective as of the date of the employee's petition for the
6 hearing. The adjustments provided in this subsection shall be paid
7 by the carrier on a weekly basis. However, the carrier, ~~and~~ the
8 self-insurers' security fund, **AND THE PRIVATE EMPLOYER GROUP SELF-**
9 **INSURERS SECURITY FUND** shall be entitled to reimbursement for these
10 payments from the second injury fund created in section 501. There
11 shall be only 1 adjustment made for an employee under this
12 subsection.

13 (2) The minimum weekly benefit for death under section 321
14 shall be 50% of the state average weekly wage as determined under
15 section 355.

16 (3) The minimum weekly benefit for 1 or more losses stated in
17 section 361(2) and (3) shall be 25% of the state average weekly
18 wage as determined under section 355.

19 (4) There is no minimum weekly benefit for total disability
20 under section 351.

21 (5) This section does not apply to an employee entitled to
22 benefits under section 361(1).