

SENATE BILL NO. 368

June 12, 2019, Introduced by Senators ANANICH, GEISS, ALEXANDER, BULLOCK, WOJNO, IRWIN, MCMORROW, HERTEL, BAYER, SANTANA, MOSS, POLEHANKI, MCCANN, BRINKS and HOLLIER and referred to the Committee on Government Operations.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
(MCL 418.101 to 418.941) by adding section 303.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 303. (1) This section applies to a personal injury or**
2 **work-related disease compensable under this act that occurs on or**
3 **after the effective date of the amendatory act that added this**
4 **section.**

5 **(2) Notwithstanding any other provision of this act, a good-**

1 faith job search effort or good-faith effort to procure work is
2 conclusively presumed to exist if either of the following are met:

3 (a) Both of the following are met:

4 (i) The employee is still employed by the employer that is
5 responsible for securing payment of compensation to the employee
6 for the employee's personal injury or work-related disease.

7 (ii) The employee attempted to obtain an accommodated job or
8 other job with the employer described in subparagraph (i).

9 (b) The employee submits at least 2 job applications to 1 or
10 more employers per calendar week.

11 (c) The employee is employed full-time in reasonable
12 employment.

13 (3) Notwithstanding any other provision of this act, an
14 affirmative duty to seek work does not apply to any of the
15 following circumstances:

16 (a) A physician opines that 1 or more of the following
17 conditions apply:

18 (i) Employment or a job search poses a clear and proximate
19 danger to the employee's health.

20 (ii) Employment or a job search would interfere with the
21 medical treatment or medical recovery of the employee.

22 (iii) The employee is unable to perform work.

23 (b) The employee is employed and the employee produces
24 evidence that seeking work might result in the loss of employment
25 or employment-related benefits.

26 (c) The employee demonstrates other good and reasonable cause.

27 (4) Notwithstanding any other provision of this act, a job or
28 work is reasonably available to an employee only if the employee
29 receives a bona fide offer of reasonable employment.

1 (5) As used in this section, "reasonable employment" means
2 that term as defined in section 301(11).