

HOUSE BILL No. 4032

January 8, 1997, Introduced by Rep. Profit and referred to the Committee on Labor and Occupational Safety.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
(MCL 418.101 to 418.941) by adding section 181.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 181. (1) SUBJECT TO THE LIMITATION STATED IN
2 SUBSECTION (2), AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS
3 ACT, A PROVISION THAT IS MUTUALLY AGREED UPON IN ANY COLLECTIVE
4 BARGAINING AGREEMENT FILED WITH THE BUREAU BETWEEN A SELF-INSURED
5 EMPLOYER, GROUP SELF-INSURED EMPLOYER, OR OTHER EMPLOYER OR GROUP
6 OF EMPLOYERS ENGAGED IN CONSTRUCTION, CONSTRUCTION MAINTENANCE,
7 OR RELATED ACTIVITIES AND A RECOGNIZED OR CERTIFIED EXCLUSIVE
8 COLLECTIVE BARGAINING REPRESENTATIVE ESTABLISHING ANY OF THE FOL-
9 LOWING SHALL BE VALID AND BINDING:
10 (A) AN ALTERNATIVE DISPUTE RESOLUTION SYSTEM TO SUPPLEMENT,
11 MODIFY, OR REPLACE THE SYSTEM PROVIDED BY THIS ACT, WHICH SYSTEM

1 MAY INCLUDE, BUT IS NOT LIMITED TO, CONCILIATION, MEDIATION, AND
2 ARBITRATION. A DECISION UNDER THE ALTERNATIVE DISPUTE RESOLUTION
3 SYSTEM SHALL HAVE THE SAME FORCE AND EFFECT AS A DECISION
4 RENDERED BY A WORKER'S COMPENSATION MAGISTRATE UNDER THIS ACT.
5 AN ALTERNATIVE DISPUTE RESOLUTION SYSTEM SHALL PROVIDE THAT A
6 DECISION RENDERED IS SUBJECT TO REVIEW BY THE WORKER'S COMPENSA-
7 TION APPELLATE COMMISSION IN THE MANNER PROVIDED IN THIS ACT FOR
8 APPEALS FROM THE BOARD OF MAGISTRATES. REVIEW FROM A FINAL ORDER
9 OF THE COMMISSION MAY BE HAD IN THE SAME MANNER AS FROM OTHER
10 ORDERS OF THE COMMISSION UNDER SECTION 861A.

11 (B) THE USE OF AN AGREED-UPON LIST OF CERTIFIED HEALTH CARE
12 PROVIDERS OF MEDICAL TREATMENT WHICH MAY BE THE EXCLUSIVE SOURCE
13 OF ALL MEDICAL TREATMENT UNDER THIS ACT.

14 (C) FOR INDEPENDENT MEDICAL EXAMINATIONS, THE USE OF A
15 LIMITED LIST OF PHYSICIANS THAT THE PARTIES MAY AGREE SHALL BE
16 THE EXCLUSIVE SOURCE OF INDEPENDENT MEDICAL EXAMINERS UNDER THIS
17 ACT.

18 (D) A LIGHT-DUTY, MODIFIED-JOB, OR RETURN-TO-WORK PROGRAM.

19 (E) A VOCATIONAL REHABILITATION OR RETRAINING PROGRAM UTI-
20 LIZING AN AGREED-UPON LIST OF PROVIDERS OF REHABILITATION SERV-
21 ICES THAT MAY BE THE EXCLUSIVE SOURCE OF PROVIDERS OF REHABILITA-
22 TION SERVICES UNDER THIS ACT.

23 (F) JOINT LABOR MANAGEMENT SAFETY COMMITTEES.

24 (2) NOTHING IN THIS SECTION ALLOWS ANY AGREEMENT THAT DIMIN-
25 ISHES AN EMPLOYEE'S ENTITLEMENT TO BENEFITS AS OTHERWISE PROVIDED
26 IN THIS ACT. AN AGREEMENT THAT VIOLATES THIS SECTION IS NULL AND
27 VOID.

1 (3) A COPY OF THE COLLECTIVE BARGAINING AGREEMENT AND THE
2 APPROXIMATE NUMBER OF EMPLOYEES WHO WILL BE COVERED BY THAT
3 AGREEMENT SHALL BE FILED WITH THE BUREAU. THE DIRECTOR OF THE
4 BUREAU SHALL REVIEW THE AGREEMENTS FOR COMPLIANCE WITH THIS SEC-
5 TION, SHALL NOTIFY THE PARTIES IF ANY PROVISIONS ARE NOT IN COM-
6 PLIANCE, AND SHALL RECOMMEND APPROPRIATE ACTION TO BRING THE
7 AGREEMENTS INTO COMPLIANCE.

8 (4) BEGINNING JULY 1, 1998, THE BUREAU SHALL PROVIDE AN
9 ANNUAL REPORT TO THE DIRECTOR OF THE DEPARTMENT OF LABOR IDENTI-
10 FYING THE NUMBER OF COLLECTIVE BARGAINING AGREEMENTS RECEIVED AND
11 THE NUMBER OF EMPLOYEES COVERED BY THOSE AGREEMENTS.

12 (5) BY JUNE 30, 2000, THE BUREAU SHALL PREPARE AND NOTIFY
13 MEMBERS OF THE LEGISLATURE THAT A REPORT AUTHORIZED BY THIS SEC-
14 TION IS AVAILABLE UPON REQUEST. THE REPORT BASED UPON AGGREGATE
15 DATA SHALL INCLUDE THE FOLLOWING:

16 (A) PERSON HOURS COVERED BY AGREEMENTS FILED.

17 (B) THE NUMBER OF CLAIMS FILED.

18 (C) THE AVERAGE COST PER CLAIM.

19 (D) THE NUMBER OF LITIGATED CLAIMS, INCLUDING THE NUMBER OF
20 CLAIMS SUBMITTED TO AN ALTERNATIVE DISPUTE RESOLUTION SYSTEM AND
21 THE NUMBER OF CLAIMS APPEALED TO THE APPELLATE COMMISSION.

22 (E) THE NUMBER OF CONTESTED CLAIMS RESOLVED BEFORE SUBMIS-
23 SION TO AN ALTERNATIVE DISPUTE RESOLUTION SYSTEM.

24 (F) THE PROJECTED INCURRED COSTS AND ACTUAL COSTS OF
25 CLAIMS.

26 (G) SAFETY HISTORY.

1 (H) THE NUMBER OF WORKERS PARTICIPATING IN VOCATIONAL
2 REHABILITATION.

3 (I) THE NUMBER OF WORKERS PARTICIPATING IN LIGHT-DUTY
4 PROGRAMS.

5 (6) THE DATA OBTAINED BY THE BUREAU PURSUANT TO THIS SECTION
6 SHALL BE SUBJECT TO THE DISCLOSURE REQUIREMENTS OF SECTION 230.