

HOUSE BILL No. 4222

March 3, 1987, Introduced by Reps. Oxender, Randall, Sparks, Van Regenmorter, Honigman, Trim and Emmons and referred to the Committee on Labor.

A bill to amend Act No. 317 of the Public Acts of 1969, entitled as amended "Worker's disability compensation act of 1969," as amended, being sections 418.101 to 418.941 of the Michigan Compiled Laws, by adding section 162.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 317 of the Public Acts of 1969, as
2 amended, being sections 418.101 to 418.941 of the Michigan
3 Compiled Laws, is amended by adding section 162 to read as
4 follows:

5 SEC. 162. (1) AN EMPLOYER MAY FILE AN APPLICATION WITH THE
6 DIRECTOR TO BE EXCLUDED FROM THE PROVISIONS OF THIS ACT WITH
7 RESPECT TO AN EMPLOYEE. THE APPLICATION SHALL INCLUDE A WRITTEN
8 WAIVER BY THE EMPLOYEE OF ALL COMPENSATION AND BENEFITS UNDER
9 THIS ACT AND AN AFFIDAVIT BY THE EMPLOYEE THAT HE OR SHE IS A

1 MEMBER OF A RECOGNIZED RELIGIOUS SECT OR DIVISION OF THAT SECT
2 AND IS AN ADHERENT OF ESTABLISHED TENETS OR TEACHINGS OF THAT
3 SECT OR DIVISION AND AS A RESULT OF THOSE TENETS OR TEACHINGS HE
4 OR SHE IS CONSCIENTIOUSLY OPPOSED TO ACCEPTANCE OF THE COMPENSA-
5 TION AND BENEFITS OF ANY PUBLIC OR PRIVATE INSURANCE WHICH MAKES
6 PAYMENTS IN THE EVENT OF DEATH, DISABILITY, OLD AGE, OR RETIRE-
7 MENT, OR MAKES PAYMENTS TOWARD THE COST OF OR PROVIDES SERVICES
8 FOR MEDICAL BILLS, INCLUDING BENEFITS UNDER THE FEDERAL SOCIAL
9 SECURITY ACT.

10 (2) THE APPLICATION REQUIRED BY SUBSECTION (1) SHALL BE MADE
11 UPON A FORM PRESCRIBED BY THE DIRECTOR.

12 (3) THE APPLICATION SHALL BE APPROVED IF THE DIRECTOR DETER-
13 MINES BOTH OF THE FOLLOWING:

14 (A) THE EMPLOYEE IS A MEMBER OF A RECOGNIZED RELIGIOUS SECT
15 OR DIVISION OF THAT SECT HAVING THE ESTABLISHED TENETS OR TEACH-
16 INGS REFERRED TO IN SUBSECTION (1).

17 (B) IT IS THE PRACTICE, AND HAS BEEN FOR A SUBSTANTIAL
18 NUMBER OF YEARS, FOR MEMBERS OF THAT SECT OR DIVISION TO MAKE
19 PROVISION FOR THEIR DEPENDENT MEMBERS WHICH IN ITS JUDGMENT IS
20 REASONABLE IN VIEW OF THEIR GENERAL LEVEL OF LIVING.

21 (4) RECEIPT BY THE DIRECTOR OF A FORM REQUIRED BY SUBSECTION
22 (2) SHALL BE CONSIDERED PRIMA FACIE PROOF THAT SUBSECTION (3) HAS
23 BEEN COMPLIED WITH.

24 (5) IF THE EMPLOYEE UNDER SUBSECTION (1) IS A MINOR, THE
25 WAIVER AND AFFIDAVIT REQUIRED BY SUBSECTION (1) MAY BE MADE BY A
26 GUARDIAN OF THE MINOR.

1 (6) AN EXCLUSION APPROVED UNDER THIS SECTION WITH REGARD TO
2 A SPECIFIC EMPLOYER AND EMPLOYEE SHALL BE VALID FOR ALL FUTURE
3 YEARS UNLESS THE EMPLOYEE OR SECT OR DIVISION CEASES TO MEET THE
4 REQUIREMENTS OF THIS SECTION.

5 (7) ANY EMPLOYER EXCLUDED UNDER THIS SECTION AS TO AN
6 EMPLOYEE SHALL NOT BE CONSIDERED AN EMPLOYER AS TO THAT EMPLOYEE
7 FOR PURPOSES OF THIS ACT.

8 (8) ANY EMPLOYEE WHO PROVIDES A WRITTEN WAIVER AND AFFIDAVIT
9 FOR AN APPLICATION THAT IS APPROVED UNDER THIS SECTION SHALL NOT
10 BE CONSIDERED AN EMPLOYEE OF THAT EMPLOYER FOR PURPOSES OF THIS
11 ACT.