



HOUSE BILL No. 4099

January 17, 1995, Introduced by Rep. Profit and referred to the Committee on Human Resources and 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 181.

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 181 to read as
4 follows:

5 SEC. 181. (1) SUBJECT TO THE LIMITATION STATED IN
6 SUBSECTION (2), AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS
7 ACT, A PROVISION THAT IS MUTUALLY AGREED UPON IN ANY COLLECTIVE
8 BARGAINING AGREEMENT FILED WITH THE BUREAU BETWEEN A SELF-INSURED
9 EMPLOYER, GROUP SELF-INSURED EMPLOYER, OR OTHER EMPLOYER OR GROUP

1 OF EMPLOYERS ENGAGED IN CONSTRUCTION, CONSTRUCTION MAINTENANCE,
2 OR RELATED ACTIVITIES AND A RECOGNIZED OR CERTIFIED EXCLUSIVE
3 COLLECTIVE BARGAINING REPRESENTATIVE ESTABLISHING ANY OF THE FOL-
4 LOWING SHALL BE VALID AND BINDING:

5 (A) AN ALTERNATIVE DISPUTE RESOLUTION SYSTEM TO SUPPLEMENT,
6 MODIFY, OR REPLACE THE SYSTEM PROVIDED BY THIS ACT, WHICH SYSTEM
7 MAY INCLUDE, BUT IS NOT LIMITED TO, CONCILIATION, MEDIATION, AND
8 ARBITRATION. A DECISION UNDER THE ALTERNATIVE DISPUTE RESOLUTION
9 SYSTEM SHALL HAVE THE SAME FORCE AND EFFECT AS A DECISION
10 RENDERED BY A WORKER'S COMPENSATION MAGISTRATE UNDER THIS ACT.

11 AN ALTERNATIVE DISPUTE RESOLUTION SYSTEM SHALL PROVIDE THAT A
12 DECISION RENDERED IS SUBJECT TO REVIEW BY THE WORKER'S COMPENSA-
13 TION APPELLATE COMMISSION IN THE MANNER PROVIDED IN THIS ACT FOR
14 APPEALS FROM THE BOARD OF MAGISTRATES. REVIEW FROM A FINAL ORDER
15 OF THE COMMISSION MAY BE HAD IN THE SAME MANNER AS FROM OTHER
16 ORDERS OF THE COMMISSION UNDER SECTION 861A.

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

20 (C) FOR INDEPENDENT MEDICAL EXAMINATIONS, THE USE OF A
21 LIMITED LIST OF PHYSICIANS THAT THE PARTIES MAY AGREE SHALL BE
22 THE EXCLUSIVE SOURCE OF INDEPENDENT MEDICAL EXAMINERS UNDER THIS
23 ACT.

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

25 (E) A VOCATIONAL REHABILITATION OR RETRAINING PROGRAM UTI-
26 LIZING AN AGREED-UPON LIST OF PROVIDERS OF REHABILITATION

1 SERVICES THAT MAY BE THE EXCLUSIVE SOURCE OF PROVIDERS OF
2 REHABILITATION SERVICES UNDER THIS ACT.

3 (F) JOINT LABOR MANAGEMENT SAFETY COMMITTEES.

4 (2) NOTHING IN THIS SECTION ALLOWS ANY AGREEMENT THAT DIMIN-
5 ISHES AN EMPLOYEE'S ENTITLEMENT TO BENEFITS AS OTHERWISE PROVIDED
6 IN THIS ACT. AN AGREEMENT THAT VIOLATES THIS SECTION IS NULL AND
7 VOID.

8 (3) A COPY OF THE COLLECTIVE BARGAINING AGREEMENT AND THE
9 APPROXIMATE NUMBER OF EMPLOYEES WHO WILL BE COVERED BY THAT
10 AGREEMENT SHALL BE FILED WITH THE BUREAU. THE DIRECTOR OF THE
11 BUREAU SHALL REVIEW THE AGREEMENTS FOR COMPLIANCE WITH THIS SEC-
12 TION, SHALL NOTIFY THE PARTIES IF ANY PROVISIONS ARE NOT IN COM-
13 PLIANCE, AND SHALL RECOMMEND APPROPRIATE ACTION TO BRING THE
14 AGREEMENTS INTO COMPLIANCE.

15 (4) BEGINNING JULY 1, 1996, THE BUREAU SHALL PROVIDE AN
16 ANNUAL REPORT TO THE DIRECTOR OF THE DEPARTMENT OF LABOR IDENTI-
17 FYING THE NUMBER OF COLLECTIVE BARGAINING AGREEMENTS RECEIVED AND
18 THE NUMBER OF EMPLOYEES COVERED BY THOSE AGREEMENTS.

19 (5) BY JUNE 30, 1998, THE BUREAU SHALL PREPARE AND NOTIFY
20 MEMBERS OF THE LEGISLATURE THAT A REPORT AUTHORIZED BY THIS SEC-
21 TION IS AVAILABLE UPON REQUEST. THE REPORT BASED UPON AGGREGATE
22 DATA SHALL INCLUDE THE FOLLOWING:

23 (A) PERSON HOURS COVERED BY AGREEMENTS FILED.

24 (B) THE NUMBER OF CLAIMS FILED.

25 (C) THE AVERAGE COST PER CLAIM.

1 (D) THE NUMBER OF LITIGATED CLAIMS, INCLUDING THE NUMBER OF
2 CLAIMS SUBMITTED TO AN ALTERNATIVE DISPUTE RESOLUTION SYSTEM AND
3 THE NUMBER OF CLAIMS APPEALED TO THE APPELLATE COMMISSION.

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

6 (F) THE PROJECTED INCURRED COSTS AND ACTUAL COSTS OF
7 CLAIMS.

8 (G) SAFETY HISTORY.

9 (H) THE NUMBER OF WORKERS PARTICIPATING IN VOCATIONAL
10 REHABILITATION.

11 (I) THE NUMBER OF WORKERS PARTICIPATING IN LIGHT-DUTY
12 PROGRAMS.

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