

HOUSE BILL No. 4681

May 13, 1999, Introduced by Reps. Basham, Schermesser, Switalski, Martinez, Brater, Stallworth, Hale, Reeves, Rivet, Pestka, Hardman, DeHart and Lemmons and referred to the Committee on Employment Relations, Training and Safety.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
by amending section 357 (MCL 418.357), as amended by 1982 PA 32.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 357. (1) When an employee who is receiving weekly pay-
2 ments or is entitled to weekly payments reaches or has reached or
3 passed the age of 65, the weekly payments for each year following
4 his or her sixty-fifth birthday shall be reduced by 5% of the
5 weekly payment paid or payable at age 65, but not to less than
6 50% of the weekly benefit paid or payable at age 65, so that on
7 his or her seventy-fifth birthday the weekly payments shall have
8 been reduced by 50%; after which there shall not be a further
9 reduction for the duration of the employee's life. Weekly
10 payments shall not be reduced below the minimum weekly benefit as
11 provided in this act.

1 (2) AN EMPLOYER OR THE CARRIER FOR AN EMPLOYER SHALL NOT
2 REDUCE AN EMPLOYEE'S WEEKLY PAYMENTS IF THE REDUCTION WOULD BE
3 CONTRARY TO EQUITY AND GOOD CONSCIENCE AND CAUSE EXTREME FINAN-
4 CIAL HARDSHIP TO THE EMPLOYEE. AS USED IN THIS SUBSECTION,
5 "EXTREME FINANCIAL HARDSHIP" MEANS THAT THE REDUCTION IN BENEFITS
6 TAKEN TOGETHER WITH OTHER CURRENT SOURCES OF INCOME FOR THE
7 EMPLOYEE WOULD CAUSE THE EMPLOYEE'S INCOME TO FALL BELOW THE FED-
8 ERAL POVERTY GUIDELINES PUBLISHED BY THE UNITED STATES DEPARTMENT
9 OF HEALTH AND HUMAN SERVICES FOR THE YEAR IN WHICH THE WEEKLY
10 PAYMENTS ARE RECEIVED. AN EMPLOYEE MAY SUBMIT ANY DISPUTE OR
11 CONTROVERSY CONCERNING THE WEEKLY PAYMENTS ENTITLED UNDER THIS
12 SECTION TO THE BUREAU AS PROVIDED BY SECTION 841.

13 (3) ~~-(2)-~~ Subsection (1) shall not apply to a person 65
14 years of age or over otherwise eligible and receiving weekly pay-
15 ments who is not eligible for benefits under the social security
16 act, ~~42 U.S.C. 301 to 1397f~~ CHAPTER 531, 49 STAT. 620, or to a
17 person whose payments under this act are coordinated under sec-
18 tion 354.