

**WORKER'S DISABILITY COMPENSATION ACT OF 1969 (EXCERPT)**  
**Act 317 of 1969**

**418.212 Evaluating performance of worker's compensation magistrate; frequency; criteria; report; removal; recommendations.**

Sec. 212. (1) The executive director of the Michigan administrative hearing system and the chair of the worker's compensation board of magistrates, in consultation, shall annually evaluate the performance of each worker's compensation magistrate. The evaluation shall be based upon at least the following criteria:

(a) The rate of affirmance by the Michigan compensation appellate commission of the worker's compensation magistrate's opinions and orders.

(b) Productivity including reasonable time deadlines for disposing of cases and adherence to established productivity standards.

(c) Manner in conducting hearings.

(d) Knowledge of rules of evidence as demonstrated by transcripts of the hearings conducted by the worker's compensation magistrate.

(e) Knowledge of the law.

(f) Evidence of any demonstrable bias against particular defendants, claimants, or attorneys.

(g) Written surveys or comments of all interested parties. Information obtained under this subdivision is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(2) Upon completing an evaluation under this section, the executive director of the Michigan administrative hearing system shall submit a written report including any supporting documentation to the director of the department of licensing and regulatory affairs regarding that evaluation, which may include recommendations with regard to 1 or more of the following:

(a) Retention.

(b) Suspension.

(c) Removal.

(d) Additional training or education.

(3) The governor may remove a magistrate upon recommendation by the director of the department of licensing and regulatory affairs based upon recommendations in a report under subsection (2) or upon other neglect of duties.

**History:** Add. 1985, Act 103, Imd. Eff. July 30, 1985;—Am. 2011, Act 266, Imd. Eff. Dec. 19, 2011.

**Compiler's note:** For legislative intent as to severability, see Compiler's note to MCL 418.213.

For abolishment of the qualifications advisory committee and establishment of the new qualifications advisory committee within the worker's compensation agency, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

Enacting section 2 of Act 266 of 2011 provides:

"Enacting section 2. This amendatory act applies to injuries incurred on or after its effective date."

For the abolishment of the Michigan compensation appellate commission and establishment of the new workers' disability compensation appeals commission within the workers' disability compensation agency in the department of labor and economic opportunity and the transfer of certain powers and duties of the Michigan compensation appellate commission to the workers' disability compensation appeals commission, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

For the transfer of powers and duties of the executive director of the Michigan administrative hearing system to the director of the workers' disability compensation agency, and the transfer of the workers' disability compensation agency and the workers' compensation board of magistrates from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

**Popular name:** Act 317