

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

418.213 Worker's compensation board of magistrates; establishment; appointment, qualifications, and terms of members; vacancy; reappointment; powers and duties of chairperson; duties of members; term of chairperson; salary of members; employment of staff; rules; assignment and reassignment of magistrates; office space.

Sec. 213. (1) Consistent with Executive Reorganization Order No. 2011-6, MCL 445.2032, the worker's compensation board of magistrates is established as an autonomous entity in the Michigan administrative hearing system. The board shall consist of 17 members appointed by the governor with the advice and consent of the senate. All members of the board shall be members in good standing of the state bar of Michigan.

(2) The members of the board shall be appointed for terms of 4 years. A vacancy caused by the expiration of a term shall be filled in the same manner as the original appointment. A member shall not serve beyond the expiration of his or her term. A member may be reappointed. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the balance of the unexpired term.

(3) The governor shall designate a member of the board as the chairperson upon a vacancy occurring in that position. The chairperson of the board shall have general supervisory control of and be in charge of the members of the board and the assignment and scheduling of the work of the board members.

(4) In the case of an extended leave of absence or disability or a significant increase in caseload, the executive director of the Michigan administrative hearing system may select temporary magistrates to serve for not more than 6 months in any 2-year period. A temporary magistrate selected by the executive director of the Michigan administrative hearing system has the same powers and duties as an appointed magistrate under this act. The executive director of the Michigan administrative hearing system may also establish productivity standards that are to be adhered to by employees of the board, the board, and individual magistrates. Each member of the board shall devote full time to the functions of the board. Each member of the board shall personally perform the duties of the office during the hours generally worked by officers and employees of the executive departments of the state.

(5) The chairperson of the board shall serve as chairperson at the pleasure of the governor.

(6) Each member of the board shall receive an annual salary and shall receive necessary traveling expenses incurred in the performance of official duties subject to the standardized travel regulations of the state.

(7) The Michigan administrative hearing system may employ the staff it considers necessary to be able to perform its duties under this act, which may include legal assistants for the purpose of legal research and otherwise assisting the board and individual members of the board.

(8) The Michigan administrative hearing system may promulgate rules on administrative hearing procedures for purposes under this act.

(9) The chairperson of the board may assign and reassign worker's compensation magistrates to hear cases at locations in this state.

(10) The department of licensing and regulatory affairs shall provide suitable office space for the board of worker's compensation magistrates and the employees of the board.

History: Add. 1985, Act 103, Imd. Eff. July 30, 1985;—Am. 1994, Act 271, Imd. Eff. July 11, 1994;—Am. 2011, Act 266, Imd. Eff. Dec. 19, 2011.

Constitutionality: Amendment of the workers' compensation act to abolish the civil service position of hearing referee and establish a Board of Magistrates in its place outside the civil service system to hear and adjudicate workers' compensation claims did not violate the civil service provision of the constitution. Civil Service Commission v Department of Labor, 424 Mich 571; 384 NW2d 728 (1986).

Compiler's note: Section 4 of Act 103 of 1985 provides:

Section 4. (1) It is the manifest intent of the legislature that if section 213 of this amendatory act is found to be invalid by the state supreme court, the amendments made by this amendatory act to the following sections shall also be invalid and are not severable from section 213:

- (a) Section 222.
- (b) Section 274.
- (c) Section 858.
- (d) Section 801.
- (e) Section 835(1).
- (f) Section 161(1)(d) and (4).
- (g) Section 171(3) and (4).
- (h) Section 119.
- (i) Section 354(1)(f).
- (j) Section 335.
- (k) Sections 921, 925, and 935.
- (l) Section 315(1).
- (m) Section 361(1).

- (n) Section 852.
- (o) Section 641.
- (p) Section 385.
- (q) Section 851.
- (r) Section 861a(3).
- (s) Section 862(2).
- (t) Section 151(1)(b).
- (u) Section 206.
- (v) Section 266.
- (w) Section 251(3).
- (x) Section 255(3).
- (y) Section 261(5).
- (z) Section 265(4).
- (aa) Section 851a(2).
- (bb) Section 859(2).
- (cc) Section 381(3).
- (dd) Section 859a.
- (ee) Section 860.

(2) It is the manifest intent of the legislature that if section 213 or any other section of this amendatory act is found to be invalid by the state supreme court, the amendments made by this amendatory act to the following sections shall be valid and are severable from the invalid section or sections:

- (a) Section 251(1) and (2).
- (b) Section 847.
- (c) Section 223.
- (d) Section 864.
- (e) Section 205.
- (f) Section 835(5).
- (g) Section 835a.
- (h) Section 315(2) to (9).
- (i) Section 301.
- (j) Section 401.
- (k) Section 841.
- (l) Section 54(16).
- (m) Section 261(1) to (4)."

For creation of bureau of worker's and unemployment compensation within department of consumer and industry services; transfer of powers and duties of bureau of worker's compensation and unemployment agency to bureau of worker's and unemployment compensation; transfer of powers and duties of director of bureau of worker's compensation and director of unemployment agency to director of bureau of worker's and unemployment compensation; and, transfer of powers and duties of wage and hour division of worker's compensation board of magistrates to bureau of worker's and unemployment compensation, see E.R.O. No. 2002-1, compiled at MCL 445.2004 of the Michigan Compiled Laws.

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 transfer of worker's compensation board of magistrates to Michigan administrative hearing system, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

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