

MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT (EXCERPT)
Act 154 of 1974

408.1065 Discharging or discriminating against employee prohibited; complaint; investigation; order; notice; review; finality of determination; parties; hearings officers; conduct of proceedings; determination as final disposition; judicial review; venue; civil action to enforce order; powers of director of labor.

Sec. 65. (1) A person shall not discharge an employee or in any manner discriminate against an employee because the employee filed a complaint or instituted or caused to be instituted a proceeding under or regulated by this act or has testified or is about to testify in such a proceeding or because of the exercise by the employee on behalf of himself or herself or others of a right afforded by this act.

(2) An employee who believes that he or she was discharged or otherwise discriminated against by a person in violation of this section may file a complaint with the department of labor alleging the discrimination within 30 days after the violation occurs. Upon receipt of the complaint, the department of labor shall cause an investigation to be made as it considers appropriate. If, upon the investigation, the department determines that this section was violated, the department shall order all appropriate relief, including rehiring or reinstatement of an employee to his or her former position with back pay.

(3) The director of labor, within 90 days after the receipt of a complaint filed under this section, shall notify the complainant of the determination under subsection (2).

(4) The employer or employee may request a review of the department's determination within 15 working days after notification is issued. If a request for a review by either the employer or employee is not received by the department within 15 working days, in the absence of a showing of good cause for a late request, the department's determination is final. The employee, employer, and the department shall be parties to a proceeding before a hearings officer brought pursuant to this section.

(5) The director shall appoint hearings officers to make determinations in proceedings brought pursuant to this section. All proceedings in a hearing shall be conducted pursuant to the procedures applicable to the trial of contested cases under Act No. 306 of the Public Acts of 1969, as amended. The hearings officer shall affirm, modify, or rescind the order of the department and may order an employer who violates this section to pay attorney costs, hearing costs, and transcript costs. The hearings officer shall issue a determination which constitutes a final disposition of the proceedings to each party within 30 working days after the conclusion of the hearing. The determination of the hearings officer shall become the final agency order upon receipt by the parties.

(6) A party to the proceeding may obtain judicial review within 60 days after receipt of the determination of the hearings officer pursuant to Act No. 306 of the Public Acts of 1969, as amended. Venue for an appeal under this act shall be only in the circuit where the employee is a resident, where the employment occurred, or where the employer has a principal place of business.

(7) In absence of an appeal by an employer who has not complied with the determination of the hearings officer, the director of labor shall initiate, in the county where the violation occurred, in the county of Ingham, or in the county where the employer has its principal office, the civil action necessary to enforce an order of the department which has become a final agency order as prescribed in this act.

(8) For the purpose of an investigation or proceeding under this section, the director of labor or an authorized representative of the director may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of records or other documents which the department considers relevant or material to the inquiry.

History: 1974, Act 154, Eff. Jan. 1, 1975;—Am. 1977, Act 300, Eff. Mar. 30, 1978;—Am. 1979, Act 149, Eff. Mar. 27, 1980.