

HOUSE BILL No. 4110

February 1, 2005, Introduced by Reps. Anderson, Clack, Farrah, Hopgood, Alma Smith, Gillard, Gonzales, Sak, Gleason and Vagnozzi 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
2 payments or is entitled to weekly payments reaches or has reached
3 or passed the age of 65, the weekly payments for each year
4 following his or her sixty-fifth birthday shall be reduced by 5% of
5 the 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 his
7 or her seventy-fifth birthday the weekly payments shall have been
8 reduced by 50%; after which there shall not be a further reduction
9 for the duration of the employee's life. Weekly payments shall not

1 be reduced below the minimum weekly benefit as provided in this
2 act.

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

15 (3) ~~—(2)—~~ Subsection (1) shall not apply to a person 65 years
16 of age or over otherwise eligible and receiving weekly payments who
17 is not eligible for benefits under the social security act, ~~—42~~
18 ~~U.S.C. 301 to 1397f—~~ 42 USC 301 TO 1397JJ, or to a person whose
19 payments under this act are coordinated under section 354.