

# HOUSE BILL No. 4754

April 1, 2009, Introduced by Rep. Jackson and referred to the Committee on Labor.

A bill to amend 1969 PA 317, entitled  
"Worker's disability compensation act of 1969,"  
(MCL 418.101 to 418.941) by adding section 352a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 352A. (1) AN EMPLOYEE RECEIVING OR ENTITLED TO RECEIVE  
2        BENEFITS UNDER SECTION 351 OR THE DEPENDENT OF A DECEASED EMPLOYEE  
3        RECEIVING OR ENTITLED TO RECEIVE BENEFITS UNDER SECTION 321 WHOSE  
4        BENEFITS ARE BASED ON A DATE OF PERSONAL INJURY AFTER DECEMBER 31,  
5        1979 IS ENTITLED TO A SUPPLEMENT TO WEEKLY COMPENSATION. THE  
6        SUPPLEMENT SHALL BE COMPUTED USING THE TOTAL ANNUAL PERCENTAGE  
7        CHANGE IN THE MOST COMPREHENSIVE INDEX OF CONSUMER PRICES AVAILABLE  
8        FOR THIS STATE FROM THE BUREAU OF LABOR STATISTICS OF THE UNITED  
9        STATES DEPARTMENT OF LABOR. THE SUPPLEMENT SHALL BE COMPUTED AS A  
10       PERCENTAGE OF THE WEEKLY COMPENSATION RATE THAT THE EMPLOYEE OR THE

1 DEPENDENT OF A DECEASED EMPLOYEE IS RECEIVING OR IS ENTITLED TO  
2 RECEIVE ON THE LATER OF THE DATE OF INJURY OR JANUARY 1, 2010,  
3 ROUNDED TO THE NEAREST DOLLAR. THE SUPPLEMENT SHALL NOT EXCEED 5%  
4 COMPOUNDED FOR EACH CALENDAR YEAR DURING THE PERIOD THE EMPLOYEE OR  
5 DEPENDENT OF A DECEASED EMPLOYEE IS ENTITLED TO BENEFITS UNDER THIS  
6 ACT. A SUPPLEMENT UNDER THIS SECTION IS NOT DUE AND SHALL NOT BE  
7 PAID RETROACTIVELY FOR ANY PERIOD OF DISABILITY BEFORE JANUARY 1,  
8 2010.

9 (2) ON DECEMBER 1 OF EACH YEAR BEGINNING IN 2010, THE DIRECTOR  
10 SHALL ANNOUNCE THE SUPPLEMENT PERCENTAGES PAYABLE DURING THE NEXT  
11 CALENDAR YEAR.

12 (3) EXCEPT AS TO THOSE INJURIES THAT ARE ELIGIBLE FOR  
13 SUPPLEMENTAL COMPENSATION UNDER SECTION 352, ALL PERSONAL INJURIES  
14 FOR WHICH COMPENSATION IS PAYABLE AS WEEKLY COMPENSATION UNDER THIS  
15 ACT SHALL BE PAID AT A RATE DETERMINED PURSUANT TO THIS SECTION.

16 (4) AN EMPLOYEE WHO IS ELIGIBLE TO RECEIVE DIFFERENTIAL  
17 BENEFITS FROM THE SECOND INJURY FUND SHALL BE PAID THE SUPPLEMENT  
18 UNDER THIS SECTION AS REDUCED BY THE AMOUNT OF THE DIFFERENTIAL  
19 PAYMENTS BEING MADE TO THE EMPLOYEE BY THE SECOND INJURY FUND AT  
20 THE TIME OF THE PAYMENT OF THE SUPPLEMENT UNDER THIS SECTION.

21 (5) THE SUPPLEMENT PAID UNDER THIS SECTION, WHEN ADDED TO THE  
22 ORIGINAL BENEFIT, SHALL NOT EXCEED THE MAXIMUM WEEKLY RATE OF  
23 COMPENSATION PROVIDED IN SECTION 355 IN EFFECT ON THE DATE OF THE  
24 ADJUSTMENT.

25 (6) AN EMPLOYEE IS NOT ENTITLED TO SUPPLEMENTS UNDER THIS  
26 SECTION FOR A PERSONAL INJURY FOR WHICH THE LIABILITY HAS BEEN  
27 REDEEMED.

1           (7) THE SUPPLEMENTS UNDER THIS SECTION SHALL BE PAID BY AN  
2 INSURER OR SELF-INSURER ON A WEEKLY BASIS.