

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

**408.1042 Hearing; order; rules of procedure; report of hearing officer.**

Sec. 42.

Upon receipt of a notice from an employer, employee, or an employee representative that the employer wishes to appeal the department's decision relative to a citation, abatement period, or proposed penalty or fine, or that an employee or an employee representative wishes to appeal the department's decision relative to a proposed abatement, classification of citation, or penalty, the department shall notify the board, and the board shall afford an opportunity for a hearing. If an employee or employee representative appeals the department's decision with respect to the violation abatement period, the appeal shall not stay the abatement period. The board shall cause an inquiry into the fact and issue an order based upon findings of fact, affirming, modifying, or rescinding the citation or proposed penalty or fine, or directing other appropriate relief. The order is final 20 days after receipt by affected parties. The rules of procedure prescribed by a board shall provide for a hearing officer to make a determination upon a proceeding before the board and shall provide affected employees or their employee representative an opportunity to participate as parties to the hearing under this section. A hearing officer shall make a report to the board of a determination which constitutes a final disposition of a proceeding. Copies of the report shall be served on all parties. The report of the hearing officer shall become the final order of the board within 30 days after filing with the board and parties, unless a member of the board directs that the report be reviewed and acted upon by the board.

**History:** 1974, Act 154, Eff. Jan. 1, 1975 ;— Am. 1979, Act 149, Eff. Mar. 27, 1980