

HOUSE BILL No. 5811

September 16, 2014, Introduced by Reps. Goike, Kivela, Dianda, Rendon, LaFontaine, Foster, Potvin and Johnson and referred to the Committee on Commerce.

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 115 (MCL 418.115).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 115. This act ~~shall apply~~ **APPLIES** to:

2 (a) All private employers, other than agricultural employers,
3 **AND INCLUDING EMPLOYERS OF EMPLOYEES UNDER SUBDIVISION (G)**, who
4 regularly employ 3 or more employees at 1 time.

5 (b) All private employers, other than agricultural employers,
6 **AND INCLUDING EMPLOYERS OF EMPLOYEES UNDER SUBDIVISION (G)**, who
7 regularly employ ~~less~~ **FEWER** than 3 employees if at least 1 of them
8 has been regularly employed by that same employer for 35 or more
9 hours per week for 13 weeks or longer during the preceding 52
10 weeks.

1 (c) All public employers, irrespective of the number of
2 persons employed.

3 (d) All agricultural employers of 3 or more regular employees,
4 **INCLUDING EMPLOYEES DESCRIBED IN SUBDIVISION (G)**, paid hourly wages
5 or salaries, and not paid on a piecework basis, who are employed 35
6 or more hours per week by that same employer for 13 or more
7 consecutive weeks during the preceding 52 weeks. Coverage ~~shall~~
8 ~~apply~~ **APPLIES** only to ~~such~~ **THOSE** regularly employed employees. The
9 average weekly wage for such an employee ~~shall be deemed~~ **IS**
10 **CONSIDERED** to be the weeks worked in agricultural employment
11 divided into the total wages ~~which~~ **THAT** the employee has earned
12 from all agricultural occupations during the 12 calendar months
13 immediately preceding the injury. ~~and no~~ **NO** other definition
14 pertaining to average weekly wage ~~shall be applicable~~ **APPLIES**.

15 (e) All agricultural employers of 1 or more employees,
16 **INCLUDING EMPLOYEES UNDER SUBSECTION (G)**, who are employed 35 or
17 more hours per week by that same employer for 5 or more consecutive
18 weeks shall provide for ~~such~~ **THOSE** employees, in accordance with
19 rules established by the director, medical and hospital coverage as
20 set forth in section 315 for all personal injuries arising out of
21 and in the course of employment suffered by ~~such~~ **THOSE** employees
22 not otherwise covered by this act. The provision of ~~such~~ **THAT**
23 medical and hospital coverage ~~shall~~ **DOES** not affect any rights of
24 recovery that an employee would otherwise have against an
25 agricultural employer and ~~such~~ **THE** right of recovery ~~shall be~~ **IS**
26 subject to any defense the agricultural employer might otherwise
27 have. Section 141 ~~shall~~ **DOES** not apply to cases, other than medical

1 and hospital coverages provided herein, arising under this
2 subdivision ~~nor shall it~~ **AND DOES NOT** apply to actions brought
3 against an agricultural employer who is not voluntarily or
4 otherwise subject to this act. ~~No~~ **A person shall be IS NOT**
5 considered an employee of an agricultural employer if the person is
6 a spouse, child or other member of the employer's family, as
7 ~~defined~~ **DESCRIBED** in subdivision (b) of section 353 residing in the
8 home or on the premises of the agricultural employer.

9 (F) All other agricultural employers not included in
10 subdivisions (d) and (e) ~~shall be~~ **ARE** exempt from the provisions of
11 this act.

12 (G) **A RELIGIOUS CORPORATION, ORGANIZATION, OR TRUST THAT**
13 **RECEIVES COMPENSATION FROM NONMEMBERS FOR AGRICULTURAL PRODUCTION,**
14 **MANUFACTURING, OR A CONSTRUCTION PROJECT PERFORMED BY ITS MEMBERS,**
15 **WHETHER ON OR OFF THE PROPERTY OF THE RELIGIOUS CORPORATION,**
16 **ORGANIZATION, OR TRUST. WHILE PERFORMING WORK DESCRIBED IN THIS**
17 **SUBDIVISION, A MEMBER OF THE RELIGIOUS CORPORATION, ORGANIZATION,**
18 **OR TRUST IS AN EMPLOYEE FOR PURPOSES OF THIS ACT.**