

HOUSE BILL No. 5256

November 5, 2003, Introduced by Rep. Tobocman 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 361 (MCL 418.361), as amended by 1985 PA
103.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 361. (1) While the incapacity for work resulting from
2 a personal injury is partial, the employer shall pay ~~—~~ or cause
3 to be paid to the injured employee weekly compensation equal to
4 80% of the difference between the injured employee's after-tax
5 average weekly wage before the personal injury and the after-tax
6 average weekly wage ~~—which—~~ **that** the injured employee is able to
7 earn after the personal injury, but not more than the maximum
8 weekly rate of compensation, as determined under section 355.
9 Compensation shall be paid for the duration of the disability.
10 However, an employer shall not be liable for compensation under

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1 section 351, 371(1), or this subsection for such periods of time
2 that the employee is unable to obtain or perform work because of
3 imprisonment or commission of a crime. **As used in this**
4 **subsection, "commission of a crime" does not include an alien's**
5 **working without employment authorization or an alien's use of**
6 **false documents to obtain employment or to seek work.**

7 (2) In cases included in the following schedule, the
8 disability in each case shall be considered to continue for the
9 period specified, and the compensation paid for the personal
10 injury shall be 80% of the after-tax average weekly wage subject
11 to the maximum and minimum rates of compensation under this act
12 for the loss of the following:

- 13 (a) Thumb, 65 weeks.
14 (b) First finger, 38 weeks.
15 (c) Second finger, 33 weeks.
16 (d) Third finger, 22 weeks.
17 (e) Fourth finger, 16 weeks.

18 The loss of the first phalange of the thumb, or of any
19 finger, shall be considered to be equal to the loss of 1/2 of
20 that thumb or finger, and compensation shall be 1/2 of the amount
21 above specified.

22 The loss of more than 1 phalange shall be considered as the
23 loss of the entire finger or thumb. The amount received for more
24 than 1 finger shall not exceed the amount provided in this
25 schedule for the loss of a hand.

- 26 (f) Great toe, 33 weeks.
27 (g) A toe other than the great toe, 11 weeks.

1 The loss of the first phalange of any toe shall be considered
2 to be equal to the loss of 1/2 of that toe, and compensation
3 shall be 1/2 of the amount above specified.

4 The loss of more than 1 phalange shall be considered as the
5 loss of the entire toe.

6 (h) Hand, 215 weeks.

7 (i) Arm, 269 weeks.

8 An amputation between the elbow and wrist that is 6 or more
9 inches below the elbow shall be considered a hand, and an
10 amputation above that point shall be considered an arm.

11 (j) Foot, 162 weeks.

12 (k) Leg, 215 weeks.

13 An amputation between the knee and foot 7 or more inches
14 below the tibial table (plateau) shall be considered a foot, and
15 an amputation above that point shall be considered a leg.

16 (l) Eye, 162 weeks.

17 Eighty percent loss of vision of 1 eye shall constitute the
18 total loss of that eye.

19 (3) Total and permanent disability, compensation for which is
20 provided in section 351 means:

21 (a) Total and permanent loss of sight of both eyes.

22 (b) Loss of both legs or both feet at or above the ankle.

23 (c) Loss of both arms or both hands at or above the wrist.

24 (d) Loss of any 2 of the members or faculties in subdivisions
25 (a), (b), or (c).

26 (e) Permanent and complete paralysis of both legs or both
27 arms or of 1 leg and 1 arm.

1 (f) Incurable insanity or imbecility.

2 (g) Permanent and total loss of industrial use of both legs
3 or both hands or both arms or 1 leg and 1 arm; for the purpose of
4 this subdivision such permanency shall be determined not less
5 than 30 days before the expiration of 500 weeks from the date of
6 injury.

7 (4) The amounts specified in this ~~clause~~ **subsection** are all
8 subject to the same limitations as to maximum and minimum as
9 ~~above~~ stated **in subsections (1) to (3)**. ~~In case of~~ **For** the
10 loss of 1 member while compensation is being paid for the loss of
11 another member, compensation shall be paid for the loss of the
12 second member for the period provided in this section. Payments
13 for the loss of a second member shall begin at the conclusion of
14 the payments for the first member.