

# HOUSE BILL No. 5458

March 6, 2012, Introduced by Reps. Lyons, Outman, Kurtz, Rendon, Huuki, Callton, Pettalia, McBroom, Daley, Bumstead, Foster, LaFontaine, Horn and Walsh 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 302 (MCL 418.302), as added by 2011 PA 266.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 302. As used in chapters 3 and 4, "wage earning capacity"

2 means the wages the employee earns or is capable of earning at a

3 job reasonably available to that employee if the employee is a

4 member of a full-paid fire department of an airport run by a county

5 road commission in counties of 1,000,000 population or more or by a

6 state university or college or of a full-paid fire or police

7 department of a city, township, or incorporated village employed

8 and compensated upon a full-time basis; ~~—~~a county sheriff or the

9 deputy of the county sheriff; ~~—~~a member of the state police; ~~—~~a

10 conservation officer; ~~—~~a motor carrier inspector of the Michigan

11 public service commission; ~~—~~**A STATE CORRECTIONAL OFFICER AS**

1 DEFINED IN SECTION 2 OF THE CORRECTIONAL OFFICERS' TRAINING ACT OF  
2 1982, 1982 PA 415, MCL 791.502; A PERSON EMPLOYED BY A COUNTY  
3 SHERIFF IN A LOCAL CORRECTIONAL FACILITY AS A CORRECTIONS OFFICER;  
4 or any employee of any authority, district, board, or any other  
5 entity created in whole or in part by the authorization of 1 or  
6 more cities, counties, villages, or townships, whether created by  
7 statute, ordinance, contract, resolution, delegation, or any other  
8 mechanism, who is engaged as a police officer, or in firefighting  
9 or subject to the hazards thereof. For the purposes of establishing  
10 a limitation of wage earning capacity, an employee has an  
11 affirmative duty to seek work reasonably available to that  
12 employee, taking into consideration the limitations from the work-  
13 related injury or disease. A magistrate may consider good-faith job  
14 search efforts to determine whether jobs are reasonably available.