

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF SAFETY AND REGULATION

CONSTRUCTION SAFETY STANDARDS COMMISSION

PART 39. HEARING PROCEDURES

(By authority conferred on the construction safety commission by section 7 of Act No. 89 of the Public Acts of 1963, as amended, and sections 3, 9, and 383 of Act No. 380 of the Public Acts of 1965, being SS408.717, 16.103, 16.109, and 16.483 of the Michigan Compiled Laws)

R 408.3901 Hearings and transcripts.

Rule 3901. Hearings by the construction safety commission, hereinafter referred to as the commission, and its employees shall be conducted in accordance with Act No. 197 of the Public Acts of 1952, as amended, being SS24.101 to 24.110 of the Michigan Compiled Laws. Written transcripts shall be provided if demanded by any party at such party's expense.

History: 1979 AC.

Editor's note: R 408.3901--R 408.3907 formerly appeared as R 408.8101--R 408.8107 in 1954 ACS 47.

R 408.3902 Statements and briefs.

Rule 3902. A party requesting a hearing shall submit to the commission in writing a fair and accurate statement of the reasons therefor, the facts and issues involved and may file a brief upon the law. Copies shall be served by the applicant upon all interested parties who are then known to him or who subsequently file appearances.

History: 1979 AC.

R 408.3903 Notices and appearances.

Rule 3903. Necessary parties shall be notified of a hearing by registered mail, which shall be posted at least 15 days prior to the date of hearing and shall state the date, time, place, issues involved, and reasons for holding the hearing, and the applicable law. A party may appear in person or by a duly authorized representative or attorney.

History: 1979 AC.

R 408.3904 Answers.

Rule 3904. Necessary parties may file written answers to charges or claims made or may present an oral statement at the hearing. Copies of written pleadings and briefs shall be served on the commission and all other parties directly interested at least 5 days prior to the date set for hearing.

History: 1979 AC.

R 408.3905 Depositions.

Rule 3905. Depositions shall be taken only upon order of the commission upon a showing that it is impracticable or impossible to obtain necessary evidence otherwise. Where permitted, they shall be taken in accordance with provisions for taking depositions in civil cases, as set forth in Michigan general court rules of 1963, nos. 302 and 304 to 309, or other applicable court rules.

History: 1979 AC.

R 408.3906 Adjournments.

Rule 3906. The commission or its director, for good cause shown in writing, may grant adjournments. A request for an adjournment shall be filed at least 5 days prior to the date assigned for hearing or showing made that reasons beyond the control of the party making the request prevent such filing.

History: 1979 AC.

R 408.3907 Defaults.

Rule 3907. If parties fail to appear after proper service of notice, if no adjournment is granted, the commission may proceed with the hearing and make its decisions in the absence of such parties.

History: 1979 AC.

R 408.3911 Procedure on violations.

Rule 3911. The following procedure shall be followed when a violation of these rules has been cited:

(a) Upon completion of the inspection of a construction project, each inspection report containing a violation of rules not corrected before the inspector leaves the site shall contain the date for correction of each violation.

(b) One copy of the inspection report shall be left at the job site with the employer's representative; 1 copy of the report shall be filed in the Lansing office and a record posted of any uncorrected violations; and 1 copy of the report citing violations and a compliance form or forms to be returned to the Lansing office shall be sent by first class mail to the registrant.

(c) The registrant shall return the form certifying compliance within 10 days after the required date of compliance. If the form is received by the department within the 10 days certifying that the registrant has corrected the violations, the file on the report shall be closed. If the registrant fails to return the form, his record shall be posted to show noncompliance.

(d) The department shall consider extensions of time for compliance upon receipt from a registrant of a request indicating progress to date and reasons for an extension of time. The department shall notify the registrant of its decision by first class mail, within 10 days.

(e) When the department determines that a violation exists which may result in serious injury, the department shall transmit such information to each individual commission member, and upon concurrence of a majority of the commission members, shall notify the registrant or employer to appear before the commission in accordance with section 11 of the construction safety act, Act No. 89 of the Public Acts of 1963, as amended, being S408.721 of the Michigan Compiled Laws.

History: 1979 AC.