A bill to amend 2018 PA 338, entitled "Earned sick time act,"
by amending sections 6 and 10 (MCL 408.966 and 408.970).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 6. (1) An employer or any other person shall not
interfere with, restrain, or deny the exercise of, or the attempt
to exercise, any right protected under this act.

(2) An employer shall not take retaliatory personnel action or
discriminate against an employee because the employee has exercised
a right protected under this act. Rights protected by UNDER this
act include, but are not limited to, the right to use earned sick
time pursuant to this act, the right to file a complaint or inform
any person about any employer's alleged violation of this act, the
right to cooperate with the department in its investigations of
alleged violations of this act, and the right to inform any person
of his or her rights under this act.

(3) An employer's absence control policy shall not treat
earned sick time taken under this act as an absence that may lead
to or result in retaliatory personnel action.

(4) The protections in this section apply to any person who
mistakenly but in good faith alleges a violation of this section.

(5) There is a rebuttable presumption of a violation of this
section if an employer takes adverse personnel action against a
person within 90 days after that person does any of the following:

(a) Files a complaint with the department or a court alleging
a violation of this act.

(b) Informs any person about an employer's alleged violation
of this act.

(c) Cooperates with the department or another person in the
investigation or prosecution of any alleged violation of this act.

(d) Opposes any policy, practice, or act that is prohibited
under this act.

(e) Informs any person of his or her rights under this act.

Sec. 10. An employer shall retain for not less than 3 years
MONTHS records documenting the hours worked and earned sick time
taken by employees. To monitor compliance with the requirements of
this act, an employer shall allow the department access to those
records, with appropriate notice and at a mutually agreeable time.

If a question arises as to whether an employer has violated an
employee's right to earned sick time under this act and the
employer does not maintain or retain adequate records documenting
the hours worked and earned sick time taken by the employee or does not allow the department reasonable access to those records, there is a presumption that the employer has violated the act, which can be rebutted only by clear and convincing evidence.