

**SUBSTITUTE FOR
HOUSE BILL NO. 4052**

A bill to limit the powers of local governmental bodies regarding the regulation of terms and conditions of employment within local government boundaries for employees of nonpublic employers.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "local
2 government labor regulatory limitation act".

3 Sec. 2. The legislature finds and declares that regulation of
4 the employment relationship between a nonpublic employer and its
5 employees is a matter of state concern and is outside the express
6 or implied authority of local governmental bodies to regulate,
7 absent express delegation of that authority to the local
8 governmental body.

9 Sec. 3. As used in this act:

1 (a) "Educational institution" means any of the following:

2 (i) A school district, an intermediate school district, or a
3 public school academy as those terms are defined in sections 4 to 6
4 of the revised school code, 1976 PA 451, MCL 380.4 to 380.6.

5 (ii) A community college established under the community
6 college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or under
7 part 25 of the revised school code, 1976 PA 451, MCL 380.1601 to
8 1607.

9 (b) "Employee" means a person employed in this state by an
10 employer.

11 (c) "Employer" means a person or entity engaging in a
12 commercial activity, enterprise, or business in this state, but
13 excludes a local governmental body or an educational institution.

14 (d) "Local governmental body" means any local government or
15 its subdivision, including, but not limited to, a city, village,
16 township, county, or educational institution; a public authority,
17 agency, board, commission, or other governmental, quasi-
18 governmental, or quasi-public body; or a public body that acts or
19 purports to act in a commercial, business, economic development, or
20 similar capacity for a local government or its subdivision.

21 Sec. 4. A local governmental body shall not adopt, enforce, or
22 administer an ordinance, local policy, or local resolution
23 regulating the relationship between an employer and its employees
24 or potential employees if the regulation contains requirements
25 exceeding those imposed by state or federal law.

26 Sec. 5. A local governmental body shall not adopt, enforce, or
27 administer an ordinance, local policy, or local resolution

1 regulating information an employer or potential employer must
2 request, require, or exclude on an application for employment from
3 an employee or a potential employee.

4 Sec. 6. A local governmental body shall not adopt, enforce, or
5 administer an ordinance, local policy, or local resolution
6 requiring an employer to pay to an employee a wage higher than the
7 state minimum hourly wage rate determined under section 4 of the
8 workforce opportunity wage act, 2014 PA 138, MCL 408.414, or, if
9 applicable to the employer, the minimum wage provisions of the fair
10 labor standards act of 1938, 29 USC 201 to 219, unless those
11 federal minimum wage provisions would result in a lower minimum
12 hourly wage than provided under state law.

13 Sec. 7. A local governmental body shall not adopt, enforce, or
14 administer an ordinance, local policy, or local resolution
15 requiring an employer to pay to an employee a wage or fringe
16 benefit based on wage and fringe benefit rates prevailing in the
17 locality. This section does not apply to state projects subject to
18 1965 PA 166, MCL 408.551 to 408.558.

19 Sec. 8. A local governmental body shall not adopt, enforce, or
20 administer an ordinance, local policy, or local resolution
21 regulating work stoppage or strike activity of employers and their
22 employees or the means by which employees may organize.

23 Sec. 9. A local governmental body shall not adopt, enforce, or
24 administer an ordinance, local policy, or local resolution
25 requiring an employer to provide to an employee paid or unpaid
26 leave time.

27 Sec. 10. A local governmental body shall not adopt, enforce,

1 or administer an ordinance, local policy, or local resolution
2 regulating hours and scheduling that an employer is required to
3 provide to employees.

4 Sec. 11. A local governmental body shall not adopt, enforce,
5 or administer an ordinance, local policy, or local resolution
6 requiring an employer or its employees to participate in any
7 educational apprenticeship or training program.

8 Sec. 12. A local governmental body shall not adopt, enforce,
9 or administer an ordinance, local policy, or local resolution
10 requiring an employer to provide to an employee any specific fringe
11 benefit or any other benefit for which the employer would incur an
12 expense, including, but not limited to, those enumerated in
13 sections 7 to 11.

14 Sec. 13. A local governmental body shall not adopt, enforce,
15 or administer an ordinance, local policy, or local resolution
16 regulating or creating administrative or judicial remedies for
17 wage, hour, or benefit disputes, including, but not limited to, any
18 benefits enumerated in sections 7 to 12.

19 Sec. 14. If any parts of this act are found to be in conflict
20 with the state constitution of 1963, the United States
21 constitution, or federal law, this act shall be implemented to the
22 maximum extent that the state constitution of 1963, the United
23 States constitution, or federal law permit. Any provision held
24 invalid or imperative shall be severable from the remaining
25 portions of this act.

26 Sec. 15. This act does not prohibit a local governmental body
27 from adopting or enforcing an ordinance, policy, or resolution

1 prohibiting employment discrimination.

2 Enacting section 1. This act takes effect 90 days after the

3 date it is enacted into law.