

HOUSE BILL No. 6092

May 30, 2018, Introduced by Rep. Sabo and referred to the Committee on Government Operations.

A bill to amend 2011 PA 152, entitled "Publicly funded health insurance contribution act," by amending the title and section 9 (MCL 15.569) and by adding section 3a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to limit a public employer's expenditures for employee medical benefit plans; **TO PROHIBIT A PUBLIC EMPLOYER FROM WITHHOLDING CERTAIN BENEFITS FROM ITS EMPLOYEES WHO OPT OUT OF A MEDICAL BENEFIT PLAN**; to provide the power and duties of certain state agencies and officials; to provide for exceptions; and to provide for sanctions **AND REMEDIES**.

1 SEC. 3A. (1) A PUBLIC EMPLOYER THAT OFFERS OR CONTRIBUTES TO A
2 MEDICAL BENEFIT PLAN FOR ITS EMPLOYEES OR ELECTED PUBLIC OFFICIALS
3 SHALL NOT REQUIRE AN EMPLOYEE OR ELECTED PUBLIC OFFICIAL WHO OPTS
4 OUT OF THE MEDICAL BENEFIT PLAN, OR THE EMPLOYEE'S OR PUBLIC
5 OFFICIAL'S SPOUSE OR DEPENDENT, TO PARTICIPATE IN AN EXIT INTERVIEW
6 OR EXIT PROGRAM AS A CONDITION OF RECEIVING A BENEFIT THE PUBLIC
7 EMPLOYER OFFERS TO EMPLOYEES OR PUBLIC OFFICIALS WHO OPT OUT OF THE
8 MEDICAL BENEFIT PLAN.

9 (2) A PUBLIC EMPLOYER THAT VIOLATES OR THREATENS OR ATTEMPTS
10 TO VIOLATE SUBSECTION (1) IS LIABLE TO AN EMPLOYEE OR PUBLIC
11 OFFICIAL AFFECTED BY THE VIOLATION, THREAT, OR ATTEMPT FOR DAMAGES
12 EQUAL TO THE OPT-OUT BENEFIT THAT THE EMPLOYEE OR PUBLIC OFFICIAL
13 DID RECEIVE OR WOULD HAVE RECEIVED. AN EMPLOYEE OR PUBLIC OFFICIAL
14 AFFECTED BY THE VIOLATION, THREAT, OR ATTEMPT MAY BRING A CIVIL
15 ACTION FOR DAMAGES OR INJUNCTIVE RELIEF, OR BOTH. IN ADDITION, A
16 COURT SHALL AWARD COURT COSTS AND REASONABLE ATTORNEY FEES TO AN
17 EMPLOYEE OR PUBLIC OFFICIAL WHO PREVAILS IN AN ACTION BROUGHT UNDER
18 THIS SUBSECTION.

19 (3) THE ATTORNEY GENERAL MAY BRING AN ACTION UNDER SUBSECTION
20 (2) ON BEHALF OF 1 OR MORE EMPLOYEES OR PUBLIC OFFICIALS AFFECTED
21 BY A VIOLATION OR THREATENED OR ATTEMPTED VIOLATION OF SUBSECTION
22 (1).

23 Sec. 9. ~~If~~EXCEPT FOR A VIOLATION OF SECTION 3A, IF a public
24 employer fails to comply with this act, the public employer shall
25 permit the state treasurer to reduce by 10% each economic vitality
26 incentive program payment received under 2011 PA 63 and the
27 department of education shall assess the public employer a penalty

1 equal to 10% of each payment of any funds for which the public
2 employer qualifies under **ARTICLE I OF** the state school aid act of
3 1979, 1979 PA 94, MCL 388.1601 to 388.1772, during the period that
4 the public employer fails to comply with this act. Any reduction
5 setoff or penalty amounts recovered shall be returned to the fund
6 from which the reduction is assessed or upon which the penalty is
7 determined. The department of education may also refer the penalty
8 collection to the department of treasury for collection consistent
9 with section 13 of 1941 PA 122, MCL 205.13.

10 Enacting section 1. This amendatory act takes effect 90 days
11 after the date it is enacted into law.