

HOUSE BILL NO. 4747

April 29, 2021, Introduced by Reps. Tyrone Carter, Sowerby, Young, Aiyash, O'Neal, Steckloff, Thanedar, Haadsma, Rabhi, Anthony, Brenda Carter, Tate, Shannon, Steenland, Liberati, Cynthia Johnson, Whitsett, Neeley, Scott, Cavanagh, Pohutsky, LaGrand, Jones and Yancey and referred to the Committee on Government Operations.

A bill to amend 1978 PA 390, entitled

"An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,"

by amending section 8 (MCL 408.478).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) ~~An~~ **Except as otherwise provided in this**
2 **subsection, an** employer, agent or representative of an employer, or
3 other person having authority from the employer to hire, employ, or
4 direct the services of other persons in the employment of the
5 employer shall not demand or receive, directly or indirectly from
6 an employee, a fee, gift, tip, gratuity, or other remuneration or
7 consideration, as a condition of employment or continuation of
8 employment. This subsection does not apply to ~~fees~~ **either of the**
9 **following:**

10 **(a) Fees** collected by an employment agency licensed under the
11 laws of this state.

12 **(b)** Subject to subsection (3), the following remuneration or
13 consideration collected by a law enforcement agency under a signed
14 agreement entered into on or after the effective date of the
15 amendatory act that added this subdivision:

16 **(i)** If the employee voluntarily leaves employment with the law
17 enforcement agency not more than 1 year after the date the
18 employee's law enforcement training academy ended, 100% of the cost
19 of the law enforcement training academy up to and not exceeding the
20 employee's salary for the first year of employment with the law
21 enforcement agency.

22 **(ii)** If the employee voluntarily leaves employment with the law
23 enforcement agency more than 1 year but less than 2 years after the
24 date the employee's law enforcement training academy ended, 66% of
25 the cost of the law enforcement training academy up to and not
26 exceeding the employee's salary for the first year of employment
27 with the law enforcement agency.

28 **(iii)** If the employee voluntarily leaves employment with the law
29 enforcement agency 2 years or more but less than 3 years after the

1 date the employee's law enforcement training academy ended, 33% of
2 the cost of the law enforcement training academy up to and not
3 exceeding the employee's salary for the first year of employment
4 with the law enforcement agency.

5 (2) Except for a contribution required or expressly permitted
6 by law or by a collective bargaining agreement, an employer shall
7 not require an employee or a person seeking employment to
8 contribute directly or indirectly to a charitable, social, or
9 beneficial purpose as a condition of employment or continuation of
10 employment.

11 (3) An agreement under subsection (1)(b) must contain the
12 following terms:

13 (a) That the employer will pay the cost of a law enforcement
14 training academy required for that employee to obtain a license
15 under the Michigan commission on law enforcement standards act,
16 1965 PA 203, MCL 28.601 to 28.615.

17 (b) The conditions under which the payment under subdivision
18 (a) will be provided and under which repayment to the employer by
19 the employee or another person may be required.

20 (c) That remuneration or consideration from the employee will
21 be waived by the employer if the employee is not required to be
22 licensed as a law enforcement officer under the Michigan commission
23 on law enforcement standards act, 1965 PA 203, MCL 28.601 to
24 28.615, within any of the following:

25 (i) 1 year after leaving employment with the employer. This
26 subparagraph applies if the employee voluntarily leaves employment
27 with the law enforcement agency not more than 1 year after the date
28 the employee's law enforcement training academy ended.

29 (ii) 2 years after leaving employment with the employer. This

1 subparagraph applies if the employee voluntarily leaves employment
2 with the law enforcement agency not less than 1 year and not more
3 than 3 years after the date the employee's law enforcement training
4 academy ended.

5 (4) As used in this section:

6 (a) "Law enforcement agency" means that term as defined in
7 section 2 of the Michigan commission on law enforcement standards
8 act, 1965 PA 203, MCL 28.602.

9 (b) "Law enforcement training academy" means that term as
10 defined in section 2 of the Michigan commission on law enforcement
11 standards act, 1965 PA 203, MCL 28.602.

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