

HOUSE BILL NO. 4750

April 29, 2021, Introduced by Reps. Steckloff, Sabo, Koleszar, Bolden, Hope, Haadsma, Pohutsky, Anthony, Cavanagh, Hertel, Stone, Brenda Carter, Kuppa, Morse, Liberati, Rogers, Tyrone Carter, Young, Thanedar, O'Neal, Scott, Breen, Brabec, Weiss, Tate and Cynthia Johnson and referred to the Committee on Workforce, Trades, and Talent.

A bill to amend 1974 PA 154, entitled
"Michigan occupational safety and health act,"
(MCL 408.1001 to 408.1094) by adding section 66a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 66a. (1) An employer shall not discharge an employee or
2 in any manner discriminate against an employee who refuses to work
3 or report to work if all of the following conditions are met:
4 (a) The employee reasonably believes that working or reporting
5 to work would expose him or her, another employee, or the public to

1 a contagious or infectious disease or to an unsafe or hazardous
2 condition.

3 (b) The employee or the employee's bargaining representative,
4 before the employee's refusal, requested the employer to correct
5 the condition that would result in the exposure described in
6 subdivision (a).

7 (c) The condition described in subdivision (b) was not
8 corrected at the time of the employee's refusal.

9 (d) The employee contacted, via telephone or email, the
10 Michigan occupational safety and health administration to report
11 the condition described in subdivision (b).

12 (2) If an employee refuses to work or report to work under
13 subsection (1) and is not reassigned to other work by his or her
14 employer, the employer must pay to the employee the wages that the
15 employee would have otherwise earned for the period of time that
16 the condition described in subsection (1)(b) remains uncorrected.

17 (3) If an employer discharges an employee or in any manner
18 discriminates against an employee within 90 days after the employee
19 engages or attempts to engage in an activity that is protected
20 under this section, there is a presumption that the employer
21 violated this section. This presumption may be rebutted by clear
22 and convincing evidence that the employer's action was otherwise
23 authorized by law.