

SENATE BILL NO. 663

September 29, 2021, Introduced by Senators POLEHANKI, BAYER, MCMORROW, HERTEL, SANTANA, WOJNO, ALEXANDER, HOLLIER, IRWIN, MOSS, CHANG and BRINKS and referred to the Committee on Economic and Small Business Development.

A bill to require employers to provide rest periods for certain employees; to prescribe powers and duties of certain state governmental officers and entities; to authorize the promulgation of rules; and to prescribe civil sanctions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "employee rest period
2 act".

3 Sec. 3. As used in this act:

4 (a) "Department" means the department of labor and economic

1 opportunity.

2 (b) "Employee" means an individual who meets both of the
3 following requirements:

4 (i) Is 18 years of age or older.

5 (ii) Is employed by an employer.

6 (c) "Employer" means a person that employs 1 or more
7 individuals.

8 (d) "Person" means an individual, partnership, corporation,
9 association, governmental entity, or other legal entity.

10 Sec. 5. (1) Except as otherwise provided in subsection (5), an
11 employer shall provide an employee with a rest period of not less
12 than 15 consecutive minutes if the employee works 4 or more, but
13 less than 6, consecutive hours.

14 (2) Except as otherwise provided in subsection (5), an
15 employer shall provide an employee with a rest period of not less
16 than 30 consecutive minutes if the employee works 6 or more, but
17 less than 8, consecutive hours.

18 (3) Except as otherwise provided in subsection (5), if an
19 employee works 8 or more consecutive hours, an employer shall
20 provide the employee with the following rest periods:

21 (a) A rest period of not less than 30 consecutive minutes for
22 the first 8 consecutive hours of work.

23 (b) Rest periods of 15 consecutive minutes for every
24 additional 4 consecutive hours of work.

25 (4) An employer shall pay an employee wages for a rest period
26 and shall not deduct a rest period from the employee's wages.

27 Sec. 7. (1) A person shall not interfere with, restrain, or
28 deny the exercise of, or the attempt to exercise, a right protected
29 under this act.

1 (2) An employer shall not take retaliatory personnel action or
2 discriminate against an employee because the employee exercises a
3 right protected under this act.

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

6 Sec. 9. (1) An employer shall retain for 5 years at the
7 premises of the employer an accurate record documenting the hours
8 worked by an employee.

9 (2) To monitor compliance with the requirements of this act,
10 an employer shall allow the department access to the records
11 required under subsection (1), with appropriate notice and at a
12 mutually agreeable time.

13 Sec. 11. A person that violates this act may be ordered to pay
14 a civil fine of not more than \$500.00. The prosecutor of the county
15 in which the violation occurred or the attorney general may bring
16 an action to collect the fine.

17 Sec. 13. The department may promulgate rules to implement this
18 act pursuant to the administrative procedures act of 1969, 1969 PA
19 306, MCL 24.201 to 24.328.

20 Sec. 15. This act applies to a collective bargaining agreement
21 or employment agreement that is executed, extended, or renewed on
22 or after the effective date of this act.