

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 32

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

1 employer shall not demand or receive, directly or indirectly from
2 an employee, a fee, gift, tip, gratuity, or other remuneration or
3 consideration, as a condition of employment or continuation of
4 employment. This subsection does not apply to fees—**any of the**
5 **following:**

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

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

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

18 (ii) If the employee voluntarily leaves employment with the law
19 enforcement agency more than 1 year but less than 2 years after the
20 date the employee's law enforcement training academy ended, 75% of
21 the cost of the law enforcement training academy up to and not
22 exceeding the employee's salary for the first year of employment
23 with the law enforcement agency.

24 (iii) If the employee voluntarily leaves employment with the law
25 enforcement agency 2 years or more but less than 3 years after the
26 date the employee's law enforcement training academy ended, 50% of
27 the cost of the law enforcement training academy up to and not
28 exceeding the employee's salary for the first year of employment
29 with the law enforcement agency.

1 (iv) If the employee voluntarily leaves employment with the law
2 enforcement agency 3 years or more but less than 4 years after the
3 date the employee's law enforcement training academy ended, 25% of
4 the cost of the law enforcement training academy up to and not
5 exceeding the employee's salary for the first year of employment
6 with the law enforcement agency.

7 (c) Remuneration or consideration collected by an employer
8 under an optional education repayment agreement in which the
9 employer offers to fund an employee's education with the
10 understanding that the employee will repay the costs incurred
11 unless the employee remains with the employer for a specific
12 period.

13 (2) Except for a contribution required or expressly permitted
14 by law or by a collective bargaining agreement, an employer shall
15 not require an employee or a person seeking employment to
16 contribute directly or indirectly to a charitable, social, or
17 beneficial purpose as a condition of employment or continuation of
18 employment.

19 (3) An agreement under subsection (1)(b) must contain the
20 following terms:

21 (a) That the law enforcement agency will pay the cost of a law
22 enforcement training academy required for that employee to obtain a
23 license under the Michigan commission on law enforcement standards
24 act, 1965 PA 203, MCL 28.601 to 28.615.

25 (b) The conditions under which the payment under subdivision
26 (a) will be provided and under which repayment to the law
27 enforcement agency by the employee or another person may be
28 required.

29 (c) That remuneration or consideration from the employee will

1 be waived by the law enforcement agency if the employee is not
2 required to be licensed as a law enforcement officer under the
3 Michigan commission on law enforcement standards act, 1965 PA 203,
4 MCL 28.601 to 28.615, within any of the following:

5 (i) One year after leaving employment with the law enforcement
6 agency. This subparagraph applies if the employee voluntarily
7 leaves employment with the law enforcement agency not more than 1
8 year after the date the employee's law enforcement training academy
9 ended.

10 (ii) Two years after leaving employment with the law
11 enforcement agency. This subparagraph applies if the employee
12 voluntarily leaves employment with the law enforcement agency more
13 than 1 year and less than 4 years after the date the employee's law
14 enforcement training academy ended.

15 (4) As used in this section:

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

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

22 Enacting section 1. This amendatory act does not take effect
23 unless House Bill No. 4176 of the 102nd Legislature is enacted into
24 law.