

# HOUSE BILL NO. 6238

December 04, 2024, Introduced by Reps. Wilson and Filler and referred to the Committee on Labor.

A bill to prohibit an employer from taking certain actions against an employee under certain circumstances; to require an employer to post and notify employees of certain information; to provide for the powers and duties of certain state governmental officers and entities; to require the promulgation of rules; to provide remedies; and to prescribe civil sanctions.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 1. As used in this act:
- 2       (a) "Adverse employment action" includes, but is not limited

1 to, any of the following:

2 (i) Not hiring or recruiting an individual.

3 (ii) Discharging an individual, including constructively  
4 discharging an individual.

5 (iii) Harassing an individual.

6 (iv) Otherwise discriminating or retaliating against an  
7 individual with respect to wages, hours, or any other term or  
8 condition of employment.

9 (b) "Applicant for employment" means an individual who submits  
10 an application for employment to an employer or otherwise applies  
11 for employment with an employer.

12 (c) "Department" means the department of labor and economic  
13 opportunity.

14 (d) "Director" means the director of the department or the  
15 director's designee.

16 (e) "Employee" means an individual that is employed by an  
17 employer. Employee includes an applicant for employment.

18 (f) "Employer" means a person that employs 1 or more employees  
19 in this state.

20 (g) "Family member" means any of the following of an  
21 individual:

22 (i) A spouse.

23 (ii) A partner in a civil union.

24 (iii) A parent.

25 (iv) A grandparent.

26 (v) A child.

27 (vi) A grandchild.

28 (vii) A sibling.

(viii) An individual related by blood.

(ix) An individual related by a current or past marriage or civil union.

(x) An individual with whom the individual shares a child.

(xi) An individual with whom the individual has a relationship that is equivalent to a familial relationship.

(h) "Person" means an individual or a partnership, corporation, limited liability company, association, governmental entity, or other legal entity.

(i) "Violent crime" means an assaultive crime as that term is defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a.

Sec. 3. An employer shall not take an adverse employment action against an employee because of any of the following reasons:

(a) The employee is, or the employer perceives the employee to be, a victim of a violent crime.

(b) The employee attends, participates in, prepares for, or requests leave to attend, participate in, or prepare for a criminal or civil action regarding a violent crime of which the employee or a family member of the employee is a victim of a violent crime.

(c) The employee requests an adjustment to the employee's job because the employee is a victim of a violent crime. As used in this subdivision, "adjustment" includes, but is not limited to, any of the following:

(i) A transfer to a different location.

(ii) A reassignment to a different department.

(iii) A modified work schedule.

(iv) A different telephone number.

(v) A different email address.

1           (vi) The installation of a lock on the door of the employee's  
2 primary work location.

3           (vii) A change to a safety policy or procedure.

4           (d) An individual who has committed a violent crime against  
5 the employee or a family member of the employee disrupts the  
6 employer's workplace or threatens the employer's workplace. As used  
7 in this subdivision, "threaten" means to take an action or make a  
8 communication that expresses an intent to cause harm, injury, or  
9 damage.

10          Sec. 5. (1) An employer shall do both of the following:

11           (a) Post and keep posted, in a conspicuous location that is  
12 accessible to employees at each of the employer's work sites, the  
13 notice described in subsection (2).

14           (b) Provide a copy of the notice described in subsection (2)  
15 to each of the employer's employees. If an employee is not literate  
16 in English, the employer shall provide the notice to the employee  
17 in a language in which the employee is literate. If the employee is  
18 not literate, the employer shall otherwise communicate the contents  
19 of the notice described in subsection (2) to the employee.

20           (2) The director shall prepare a notice that summarizes the  
21 provisions of this act for an employer to use under subsection (1).  
22 The director shall provide the notice to an employer at no cost.

23           (3) An employer that willfully violates this section is  
24 subject to a civil fine of not more than \$150.00. The prosecutor of  
25 the county in which the violation occurred or the attorney general  
26 may bring an action to collect the fine. A fine collected under  
27 this subsection must be deposited in the general fund.

28          Sec. 7. (1) An individual aggrieved by a violation of this act  
29 may do either of the following not later than 3 years after the

1 date of the violation:

2 (a) Submit a complaint to the director.

3 (b) Bring a civil action for injunctive relief or damages, or  
4 both, in the circuit court for the county in which the alleged  
5 violation occurred, the county in which the individual resides, or  
6 the county in which the employer's principal place of business is  
7 located. An individual is not required to submit a claim under  
8 subdivision (a) before bringing an action under this subdivision.

9 (2) The director shall investigate complaints submitted under  
10 subsection (1)(a) and, in accordance with chapter 4 of the  
11 administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to  
12 24.288, hold hearings regarding the complaints.

13 (3) A court may award a plaintiff who prevails in an action  
14 brought under subsection (1)(b) any of the following:

15 (a) Injunctive relief.

16 (b) Equitable relief, including, but not limited to, rehiring,  
17 reinstatement, or promotion.

18 (c) Actual damages.

19 (d) Costs, including, but not limited to, reasonable attorney  
20 fees.

21 Sec. 9. The director shall administer and enforce this act.  
22 The director shall promulgate rules to implement this act under the  
23 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
24 24.328.