

HOUSE BILL NO. 6240

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

A bill to amend 2018 PA 338, entitled
"Earned sick time act,"
by amending the title and sections 2 and 4 (MCL 408.962 and
408.964).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An initiation of legislation to provide workers with the right
3 to earn sick time for personal or family health needs, as well as
4 purposes related to ~~domestic violence and sexual assault~~ **certain**
5 **crimes** and school meetings needed as the result of a child's
6 disability, health issues or issues due to ~~domestic violence and~~

~~sexual assault; certain crimes;~~ to specify the conditions for accruing and using earned sick time; to prohibit retaliation against an employee for requesting, exercising, or enforcing rights granted in this act; to prescribe powers and duties of certain state departments, agencies, and officers; to provide for promulgation of rules; and to provide remedies and sanctions.

Sec. 2. As used in this act:

(a) "Department" means the department of ~~licensing-labor~~ and ~~regulatory affairs.~~ **economic opportunity.**

(b) "Director" means the director of the department ~~of licensing and regulatory affairs or his or her~~ **the director's** designee.

(c) "Domestic partner" means an adult in a committed relationship with another adult, including both same-sex and different-sex relationships. ~~"Committed relationship"~~ **As used in this subdivision, "committed relationship"** means ~~one a relationship~~ in which the employee and another individual share responsibility for a significant measure of each other's common welfare, such as any relationship between individuals of the same or different sex that is granted legal recognition by a state, political subdivision, or the District of Columbia as a marriage or analogous relationship, including, but not limited to, a civil union.

(d) "Domestic violence" ~~has the same meaning~~ **means that term** as ~~provided~~ **defined** in section 1 of 1978 PA 389, MCL 400.1501.

(e) "Earned sick time" means time off from work that is provided by an employer to an employee, whether paid or unpaid, that can be used for the purposes described in ~~subsection (1) of section 4 of this act.~~ **section 4(1).**

(f) "Employee" means an individual engaged in service to an

1 employer in the business of the employer, except that employee does
2 not include an individual employed by the United States government.

3 (g) "Employer" means any person, firm, business, educational
4 institution, nonprofit agency, corporation, limited liability
5 company, government entity, or other entity that employs 1 or more
6 individuals, except that employer does not include the United
7 States government.

8 (h) "Family member" includes all of the following:

9 (i) ~~(i)~~ A biological, adopted or foster child, stepchild or
10 legal ward, a child of a domestic partner, or a child to whom the
11 employee stands in loco parentis.

12 (ii) ~~(ii)~~ A biological parent, foster parent, stepparent, or
13 adoptive parent or a legal guardian of an employee or an employee's
14 spouse or domestic partner or ~~a person~~ **an individual** who stood in
15 loco parentis when the employee was a minor child.

16 (iii) ~~(iii)~~ ~~A person~~ **An individual** to whom the employee is
17 legally married under the laws of any state or a domestic partner.

18 (iv) ~~(iv)~~ A grandparent.

19 (v) ~~(v)~~ A grandchild.

20 (vi) ~~(vi)~~ A biological, foster, or adopted sibling.

21 (vii) ~~(vii)~~ ~~Any other~~ **An individual** related by blood or
22 affinity **to the employee.**

23 (viii) **An individual** whose close association with the employee
24 is the equivalent of a family relationship.

25 (i) "Health care professional" means any of the following:

26 (i) ~~(i)~~ Any person licensed under federal law or the law of
27 this state to provide health care services, including, but not
28 limited to, nurses, doctors, and emergency room personnel.

29 (ii) ~~(ii)~~ A certified midwife.

(j) "Retaliatory personnel action" means any of the following:

(i) ~~(i)~~ Denial of any right guaranteed under this act.

(ii) ~~(ii)~~ A threat, discharge, suspension, demotion, reduction of hours, or other adverse action against an employee or former employee for exercise of a right guaranteed under this act.

(iii) ~~(iii)~~ Sanctions against an employee who is a recipient of public benefits for exercise of a right guaranteed under this act.

(iv) ~~(iv)~~ Interference with, or punishment for, an individual's participation in any manner in an investigation, proceeding, or hearing under this act.

~~(k) "Sexual assault" means any act that constitutes a violation of section 520b, 520c, 520d, 520e, 520f, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, 750.520f, and 750.520g.~~

(k) ~~(l)~~ "Small business" means an employer for which fewer than 10 individuals work for compensation during a given week. In determining the number of individuals performing work for compensation during a given week, all individuals performing work for compensation on a full-time, part-time, or temporary basis shall be counted, including individuals made available to work through the services of a temporary services or staffing agency or similar entity. An employer is not a small business if it maintained 10 or more employees on its payroll during any 20 or more calendar workweeks in either the current or ~~the immediately~~ preceding calendar year.

(l) "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. 4. (1) An employer shall permit an employee to use the

1 earned sick time accrued under section 3 for any of the following:

2 (a) The employee's mental or physical illness, injury, or
3 health condition; medical diagnosis, care, or treatment of the
4 employee's mental or physical illness, injury, or health condition;
5 or preventative medical care for the employee.

6 (b) For the employee's family member's mental or physical
7 illness, injury, or health condition; medical diagnosis, care, or
8 treatment of the employee's family member's mental or physical
9 illness, injury, or health condition; or preventative medical care
10 for a family member of the employee.

11 (c) If the employee or the employee's family member is a
12 victim of ~~domestic violence or sexual assault,~~ **a violent crime;** for
13 medical care or psychological or other counseling for physical or
14 psychological injury or disability; to obtain services from a
15 victim services organization; to relocate due to ~~domestic violence~~
16 ~~or sexual assault,~~ **a violent crime;** to obtain legal services; or to
17 participate in any civil or criminal proceedings related to or
18 resulting from the ~~domestic violence or sexual assault.~~ **violent**
19 **crime.**

20 (d) For meetings at a child's school or place of care related
21 to the child's health or disability, or the effects of ~~domestic~~
22 ~~violence or sexual assault on the child,~~ **or a violent crime.**

23 (e) For closure of the employee's place of business by order
24 of a public official due to a public health emergency; for an
25 employee's need to care for a child whose school or place of care
26 has been closed by order of a public official due to a public
27 health emergency; or when it has been determined by the health
28 authorities having jurisdiction or by a health care provider that
29 the employee's or employee's family member's presence in the

1 community would jeopardize the health of others because of the
2 employee's or family member's exposure to a communicable disease,
3 whether or not the employee or family member has actually
4 contracted the communicable disease.

5 (2) If the employee's need to use earned sick time is
6 foreseeable, an employer may require advance notice, not to exceed
7 7 days prior to the date the earned sick time is to begin, of the
8 intention to use the earned sick time. If the employee's need for
9 the earned sick time is not foreseeable, an employer may require
10 the employee to give notice of the intention as soon as
11 practicable.

12 (3) Earned sick time may be used in the smaller of hourly
13 increments or the smallest increment that the employer's payroll
14 system uses to account for absences of use of other time.

15 (4) For earned sick time of more than 3 consecutive days, an
16 employer may require reasonable documentation that the earned sick
17 time has been used for a purpose described in subsection (1). Upon
18 the employer's request, the employee must provide the documentation
19 to the employer in a timely manner. The employer shall not delay
20 the commencement of earned sick time on the basis that the employer
21 has not yet received documentation. Documentation signed by a
22 health care professional indicating that earned sick time is
23 necessary is reasonable documentation for purposes of this
24 subsection. In cases of ~~domestic violence or sexual assault, one a~~
25 **violent crime, 1** of the following types of documentation selected
26 by the employee ~~shall be~~ **is** considered reasonable documentation:

27 ~~(a) a~~

28 (a) A police report indicating that the employee or the
29 employee's family member was a victim of ~~domestic violence or~~

1 ~~sexual assault; (b) a~~ **a violent crime.**

2 (b) A signed statement from a victim and witness advocate
3 affirming that the employee or employee's family member is
4 receiving **or sought** services from a victim services organization. ~~+~~
5 ~~or (c) a~~

6 (c) A court document indicating that the employee or
7 employee's family member is involved in legal action related to
8 ~~domestic violence or sexual assault.~~ **a violent crime.**

9 (5) An employer shall not require that the documentation
10 **described in subsection (4)** explain the nature of the illness or
11 the details of the ~~violence.~~ **violent crime.** If an employer chooses
12 to require documentation for earned sick time, the employer is
13 responsible for paying all out-of-pocket expenses the employee
14 incurs in obtaining the documentation. If the employee does have
15 health insurance, the employer is responsible for paying any costs
16 charged to the employee by the health care provider for providing
17 the specific documentation required by the employer.

18 (6) ~~(5)~~ An employer shall not require disclosure of details
19 relating to ~~domestic violence or sexual assault~~ **a violent crime** or
20 the details of an employee's or an employee's family member's
21 medical condition as a condition of providing earned sick time
22 under this act. If an employer possesses health information or
23 information pertaining to ~~domestic violence or sexual assault~~ **a**
24 **violent crime** about an employee or employee's family member,
25 **including that the employee requested, was granted, or took earned**
26 **sick time due to a violent crime,** the employer shall treat that
27 information as confidential and shall not disclose that information
28 except to the affected employee or with the **written** permission of
29 the affected employee.

1 (7) ~~(6)~~—This act does not require an employer to provide
2 earned sick time for any purposes other than as described in this
3 section.