

**PAID MEDICAL LEAVE ACT (EXCERPT)**  
**Act 338 of 2018**

\*\*\*\*\* 408.966.added THIS SECTION IS REVIVED EFFECTIVE FEBRUARY 21, 2025 \*\*\*\*\*

**408.966.added Exercise of rights under act; interference, restraint, or denial prohibited; retaliatory personnel action or discrimination prohibited; absence control policy leading to or resulting in retaliatory personnel action prohibited; person mistakenly alleging violation; rebuttable presumption of violation.**

Sec. 6. (1) An employer or any other person shall not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this act.

(2) An employer shall not take retaliatory personnel action or discriminate against an employee because the employee has exercised a right protected under this act. Rights protected by this act include, but are not limited to, the right to use earned sick time pursuant to this act, the right to file a complaint or inform any person about any employer's alleged violation of this act, the right to cooperate with the department in its investigations of alleged violations of this act, and the right to inform any person of his or her rights under this act.

(3) An employer's absence control policy shall not treat earned sick time taken under this act as an absence that may lead to or result in retaliatory personnel action.

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

(5) There is a rebuttable presumption of a violation of this section if an employer takes adverse personnel action against a person within 90 days after that person does any of the following:

(a) Files a complaint with the department or a court alleging a violation of this act.

(b) Informs any person about an employer's alleged violation of this act.

(c) Cooperates with the department or another person in the investigation or prosecution of any alleged violation of this act.

(d) Opposes any policy, practice, or act that is prohibited under this act.

(e) Informs any person of his or her rights under this act.

**History:** 2018, Act 338, Eff. Mar. 29, 2019;—Repealed 2018, Act 369, Eff. Mar. 29, 2019;—2018, Act 338, Eff. Feb. 21, 2025.

**Compiler's note:** The repealed section pertained to the exercise of rights and the prohibition of retaliatory personnel action or discrimination.

See *Mothering Justice v Attorney General*, case no. 165325, July 31, 2024. The Michigan Supreme Court held that 2018 PA 369 was unconstitutional and, therefore void and revived the original initiative as enacted by the Legislature on September 5, 2018, effective February 21, 2025. Therefore, the section above is as it was enacted before being repealed by 2018 PA 369.