

**SUBSTITUTE FOR  
SENATE BILL NO. 15**

A bill to amend 2018 PA 338, entitled  
"Earned sick time act,"  
by amending sections 2, 3, 4, 6, and 7 (MCL 408.962, 408.963,  
408.964, 408.966, and 408.967) and by adding section 3a.

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

1       Sec. 2. As used in this act:

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

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

7       (c) "Domestic partner" means an adult in a committed  
8 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 employer in the business of the employer, except that employee does not include an individual employed by the United States government.

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

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

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

(ii) ~~(ii)~~ A biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or an employee's spouse or domestic partner or ~~a person~~ **an individual** who stood in



1 loco parentis when the employee was a minor child.

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

4 **(iv)** ~~(iv)~~ A grandparent.

5 **(v)** ~~(v)~~ A grandchild.

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

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

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

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

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

15 **(ii)** ~~(ii)~~ A certified midwife.

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

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

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

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

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

26 (k) "Sexual assault" means any act that ~~constitutes a~~  
27 ~~violation of~~ **violates** section 520b, 520c, 520d, 520e, ~~520f,~~ or 520g  
28 of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c,  
29 750.520d, 750.520e, ~~750.520f,~~ and 750.520g.



(1) ~~(1)~~ "Small business" means an employer for which fewer than 10-25 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 ~~must~~ 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 10-25 or more employees on its payroll during any 20 or more calendar workweeks in either the current or ~~the immediately~~ preceding calendar year.

Sec. 3. (1) ~~Each~~ **An** employer shall provide earned sick time to each of the employer's employees in this state.

(2) ~~(a) Employees~~ **Except as otherwise provided in this subsection, an employee** of a small business shall ~~must~~ accrue a minimum of ~~one~~ **1** hour of earned sick time for every 30 hours worked but shall ~~may~~ not be entitled to use more than 40 hours of paid earned sick time in a year unless the employer selects a higher limit. If an employee of a small business accrues more than 40 hours of earned sick time in a calendar year, the employee shall ~~be entitled to~~ **may** use an additional 32 hours of unpaid earned sick time in that year, unless the employer selects a higher limit. Employees of a small business ~~must be entitled to~~ **may** use paid earned sick time before using unpaid earned sick time. **As an alternative to the accrual of earned sick time, a small business may provide an employee not less than 40 hours of paid earned sick time and not less than 32 hours of unpaid earned sick time at the beginning of a year.**

(3) ~~(b) All~~ **Except as otherwise provided in this subsection,**



1 ~~all~~ other employees ~~shall~~**must** accrue a minimum of ~~one~~**1** hour of  
 2 paid earned sick time for every 30 hours worked but ~~shall~~**may** not  
 3 ~~be entitled to use~~ more than 72 hours of paid earned sick time ~~per~~  
 4 **in a year, unless the employer selects a higher limit. As an**  
 5 **alternative to the accrual of earned sick time, an employer may**  
 6 **provide an employee not less than 72 hours of paid earned sick time**  
 7 **at the beginning of a year.**

8 (4) ~~(c) Earned~~**Subject to the requirements of this subsection,**  
 9 **earned** sick time ~~shall carry~~**carries** over from year to year, but a  
 10 small business is not required to ~~permit~~**allow** an employee to use  
 11 more than 40 hours of paid earned sick time and 32 hours of unpaid  
 12 earned sick time in a single year, and **all** other employers are not  
 13 required to ~~permit~~**allow** an employee to use more than 72 hours of  
 14 paid earned sick time in a single year. **An employer shall allow an**  
 15 **employee to carry over not more than 144 hours of unused accrued**  
 16 **paid earned sick time from 1 year to another year, unless the**  
 17 **employer does either of the following:**

18 (a) Pays the employee the value of the employee's unused  
 19 accrued paid earned sick time at the end of the year in which the  
 20 sick time was earned.

21 (b) Selects a higher limit of hours of unused accrued paid  
 22 earned sick time that may be carried over.

23 (5) ~~(2)~~**Earned** sick time as provided in this section ~~shall~~  
 24 ~~begin~~**begins** to accrue on the effective date of this ~~law,~~**act,** or  
 25 upon commencement of the employee's employment, whichever is later.  
 26 An employee may use accrued earned sick time as it is accrued,  
 27 except that an employer may require an employee hired after ~~April~~  
 28 ~~1, 2019,~~**the effective date of the 2025 amendatory act that amended**  
 29 **this section** to wait until the ninetieth calendar day after



commencing employment before using accrued earned sick time, **unless the employee is a qualifying employee as that term is defined in section 3a. If a year began before the effective date of the amendatory act that added this sentence and has not ended, earned sick time provided to an employee under subsection (2) or (3) before the effective date of the amendatory act that added this sentence may be counted toward an employer's compliance obligation under this act.**

~~(3) For purposes of subsection (1), "year" shall mean a regular and consecutive twelve-month period, as determined by an employer.~~

~~(4) For purposes of earned sick time accrual under this act, an employee who is exempt from overtime requirements under section 13(a)(1) of the Fair Labor Standards Act, 29 USC 213(a)(1), is assumed to work 40 hours in each workweek unless the employee's normal work week is less than 40 hours, in which case earned sick time accrues based upon that normal workweek.~~

**(6) ~~(5)~~ An employer is in compliance with this section if any of the following conditions apply:**

**(a) The employer is an employer** other than a small business ~~is in compliance with this section if the employer and~~ provides any paid leave **time off** in at least the same ~~amounts~~ **amount** as that provided under this act that may be used for the same purposes and under the same conditions provided ~~in~~ **under** this act and that is accrued at a rate equal to or greater than the rate described in ~~subsections (1) and (2).~~ **subsection (3).** An

**(b) The employer** ~~that is a small business is in compliance with this section if the employer and~~ provides paid leave **time off** in at least the same ~~amounts~~ **amount** as that provided under this act



1 that may be used for the same purposes and under the same  
 2 conditions provided ~~in~~**under** this act and that is accrued at a rate  
 3 equal to or greater than the rate described in ~~subsections (1) and~~  
 4 **subsection** (2). ~~provided further that that employees of the small~~  
 5 ~~business are entitled to use paid earned sick time before using~~  
 6 ~~unpaid earned sick time. For purposes of this subsection, "paid~~  
 7 ~~leave" includes but is not limited to paid vacation days, personal~~  
 8 ~~days, and paid time off.~~

9 (c) The employer is a member of a multiemployer collective  
 10 bargaining agreement and contributes to a multiemployer paid sick  
 11 leave plan created in accordance with the Taft-Hartley act of 1947,  
 12 29 USC 141 to 191 or a similar multiemployer fringe benefit fund  
 13 plan created in accordance with the Taft-Hartley act of 1947, 29  
 14 USC 141 to 191, and the employer provides paid time off in at least  
 15 the same amount as that provided under this act that may be used  
 16 for the same purposes and under the same conditions under this act  
 17 and that is accrued at a rate equal to or greater than the rate  
 18 described in subsections (2) and (3). If a multiemployer collective  
 19 bargaining agreement or other employment agreement meets both of  
 20 the following conditions, this subdivision applies to the parties  
 21 to the agreement beginning on the date the agreement expires or is  
 22 terminated, amended, extended, or renewed:

23 (i) The agreement is in effect on the effective date of this  
 24 act.

25 (ii) The agreement conflicts with this subdivision.

26 (7) ~~(6)~~—An employer shall pay each employee using paid earned  
 27 sick time at a pay rate equal to the greater of either the normal  
 28 hourly wage for that employee or the minimum wage established under  
 29 the **improved** workforce opportunity wage act, ~~2014 PA 138, MCL~~



~~408.411 to 408.424, 2018 PA 337, MCL 408.931 to 408.945, but not less than the minimum wage rate established in section 4 of the improved workforce opportunity wage act, 2014 PA 138, MCL 408.414. 2018 PA 337, MCL 408.934.~~ For any employee whose hourly wage varies depending on the work performed, the "normal hourly wage" means the average hourly wage of the employee in the pay period immediately prior to the pay period in which the employee used paid earned sick time.

(8) ~~(7)~~—An employer shall not require an employee to search for or secure a replacement worker as a condition for using earned sick time.

(9) For purposes of subsections (2) to (5), "year" means a regular and consecutive 12-month period, as determined by an employer.

(10) For purposes of earned sick time accrual under this act, all of the following apply:

(a) An employee who is exempt from overtime requirements under section 13(a)(1) of the fair labor standards act, 29 USC 213, is assumed to work 40 hours in each workweek unless the employee's normal workweek is less than 40 hours, in which case earned sick time accrues based on that normal workweek.

(b) An employee who is covered under 29 CFR 825.801 is assumed to have worked not less than 40 hours in each workweek or is assumed to have worked not less 30 hours if employed by a small business.

Sec. 3a. (1) An employer that is a member of a multiemployer collective bargaining agreement shall not require a qualifying employee to wait until the ninetieth calendar day after commencing employment with that employer before using accrued earned sick time





1 if the qualifying employee is also employed by another member of  
2 the multiemployer collective bargaining agreement.

3 (2) Benefits accrued by a qualifying employee may be  
4 transferred between employers that contribute to the same  
5 multiemployer paid sick leave plan created in accordance with the  
6 Taft-Hartley act of 1947, 29 USC 141 to 191 or similar  
7 multiemployer fringe benefit fund plan created in accordance with  
8 the Taft-Hartley act of 1947, 29 USC 141 to 191 for that qualifying  
9 employee.

10 (3) As used in this section, "qualifying employee" means an  
11 employee who meets both of the following conditions:

12 (a) Is employed by an employer that is a member of a  
13 multiemployer collective bargaining agreement and contributes to a  
14 multiemployer fringe benefit fund or similar fund as described in  
15 subsection (2).

16 (b) Has accrued leave time in accordance with this act.

17 Sec. 4. (1) An employer shall ~~permit~~**allow** an employee to use  
18 the earned sick time accrued **or provided** under section 3 for any of  
19 the following:

20 (a) The employee's mental or physical illness, injury, or  
21 health condition; medical diagnosis, care, or treatment of the  
22 employee's mental or physical illness, injury, or health condition;  
23 or preventative medical care for the employee.

24 (b) For the employee's family member's mental or physical  
25 illness, injury, or health condition, ~~+~~medical diagnosis, care, or  
26 treatment of the employee's family member's mental or physical  
27 illness, injury, or health condition ~~+~~or preventative medical care  
28 for a family member of the employee.

29 (c) If the employee or the employee's family member is a



1 victim of domestic violence or sexual assault, for medical care or  
2 psychological or other counseling for physical or psychological  
3 injury or disability, ~~+~~to obtain services from a victim services  
4 organization, ~~+~~to relocate due to domestic violence or sexual  
5 assault, ~~+~~to obtain legal services, ~~+~~or to participate in any  
6 civil or criminal proceedings related to or resulting from the  
7 domestic violence or sexual assault.

8 (d) For meetings at a child's school or place of care related  
9 to the child's health or disability, or the effects of domestic  
10 violence or sexual assault on the child. ~~+~~~~or~~

11 (e) For closure of the employee's place of business by order  
12 of a public official due to a public health emergency, ~~+~~for an  
13 employee's need to care for a child whose school or place of care  
14 has been closed by order of a public official due to a public  
15 health emergency, ~~+~~or when it has been determined by the health  
16 authorities having jurisdiction or by a health care provider that  
17 the employee's or employee's family member's presence in the  
18 community would jeopardize the health of others because of the  
19 employee's or family member's exposure to a communicable disease,  
20 whether or not the employee or family member has actually  
21 contracted the communicable disease.

22 (2) If the employee's need to use earned sick time is  
23 foreseeable, an employer ~~may~~ require advance notice, not to exceed  
24 7 days ~~prior to~~ **before** the date the earned sick time is to begin,  
25 of the intention to use the earned sick time. If the employee's  
26 need for the earned sick time is not foreseeable, an employer,  
27 **other than an employer that has mandated staffing ratios**, may  
28 require the employee to give notice of the intention as soon as  
29 practicable, **if specified in a written policy of the employer. An**



1 employer that has mandated staffing ratios may require an employee  
 2 to comply with the employer's leave policy if the employee's need  
 3 for the earned sick time is not foreseeable.

4 (3) Earned sick time ~~may~~**must** be used in the ~~smaller of hourly~~  
 5 **1-hour** increments or the smallest increment that the employer's  
 6 payroll system uses to account for absences of use of other time.

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

19 (a) ~~a~~**A** police report indicating that the employee or the  
 20 employee's family member was a victim of domestic violence or  
 21 sexual assault. ~~†~~

22 (b) ~~a~~**A** signed statement from a victim and witness advocate  
 23 affirming that the employee or employee's family member is  
 24 receiving services from a victim services organization. ~~† or~~

25 (c) ~~a~~**A** court document indicating that the employee or  
 26 employee's family member is involved in legal action related to  
 27 domestic violence or sexual assault.

28 **(5)** An employer shall not require that the documentation  
 29 explain the nature of the illness or the details of the violence.



1 If an employer chooses to require documentation for earned sick  
 2 time, the employer is responsible for paying all out-of-pocket  
 3 expenses the employee incurs in obtaining the documentation. If the  
 4 employee does have health insurance, the employer is responsible  
 5 for paying any costs charged to the employee by the health care  
 6 provider for providing the specific documentation required by the  
 7 employer.

8 (6) ~~(5)~~—An employer shall not require disclosure of details  
 9 relating to domestic violence or sexual assault or the details of  
 10 an employee's or an employee's family member's medical condition as  
 11 a condition of providing earned sick time under this act. If an  
 12 employer possesses health information or information pertaining to  
 13 domestic violence or sexual assault about an employee or employee's  
 14 family member, the employer shall treat that information as  
 15 confidential and shall not disclose that information except to the  
 16 affected employee or with the permission of the affected employee.

17 (7) ~~(6)~~—This act does not require an employer to provide  
 18 earned sick time for any purposes other than as described in this  
 19 section.

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

23 (2) An employer shall not take retaliatory personnel action or  
 24 discriminate against an employee because the employee has exercised  
 25 a right protected under this act. Rights protected by this act  
 26 include, but are not limited to, the right to use earned sick time  
 27 ~~pursuant to~~ **under** this act, the right to file a complaint or inform  
 28 any person about any employer's alleged violation of this act, the  
 29 right to cooperate with the department in ~~its~~ **the department's**



1 investigations of alleged violations of this act, and the right to  
 2 inform any person of ~~his or her~~ **the person's** rights under this act.

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

6 (4) The protections in this section apply to any person ~~who~~  
 7 **that** mistakenly but in good faith alleges a violation of this  
 8 section.

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

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

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

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

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

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

21 Sec. 7. (1) If an employer violates this act, the employee  
 22 affected by the violation, at any time ~~within 3 years~~ **1 year** after  
 23 the violation or the date when the employee knew of the violation,  
 24 whichever is later, may ~~do any of the following:~~

25 ~~(a) Bring a civil action for appropriate relief, including,~~  
 26 ~~but not limited to, payment for used earned sick time; rehiring or~~  
 27 ~~reinstatement to the employee's previous job; payment of back~~  
 28 ~~wages; reestablishment of employee benefits to which the employee~~  
 29 ~~otherwise would have been eligible if the employee had not been~~



1 ~~subjected to retaliatory personnel action or discrimination; and an~~  
 2 ~~equal additional amount as liquidated damages together with costs~~  
 3 ~~and reasonable attorney fees as the court allows.~~

4 ~~(b) File~~ **file** a claim with the department. ~~, which The~~  
 5 **department** shall investigate the claim. ~~Filing a claim with the~~  
 6 ~~department is neither a prerequisite nor a bar to bringing a civil~~  
 7 ~~action.~~

8 (2) ~~(a)~~ The director shall enforce the provisions of this act.  
 9 ~~In effectuating such enforcement,~~ **enforcing this act**, the director  
 10 shall ~~establish~~ **do both of the following:**

11 **(a) Establish** a system ~~utilizing that uses~~ multiple means of  
 12 communication to receive complaints ~~regarding non-compliance that~~  
 13 **are related to noncompliance** with this act. ~~and investigate~~

14 **(b) Investigate** complaints received by the department in a  
 15 timely manner.

16 **(3)** ~~(b)~~ Any person ~~alleging that alleges~~ a violation of this  
 17 ~~chapter shall have~~ **act has** the right to file a complaint with the  
 18 department. The department shall encourage reporting ~~pursuant to~~  
 19 **under** this subsection by keeping confidential, to the maximum  
 20 extent permitted by applicable laws, the name and other identifying  
 21 information of the employee or person reporting the violation. ~~7~~  
 22 ~~provided, however, that with the authorization of such person,~~  
 23 **However, if the person provides authorization to the department,**  
 24 the department may disclose ~~his or her~~ **the person's** name and  
 25 identifying information as necessary to enforce this ~~chapter~~ **act** or  
 26 for other appropriate purposes.

27 **(4)** ~~(e)~~ Upon receiving a complaint alleging a violation of  
 28 this ~~chapter,~~ **act**, the department shall investigate ~~such the~~  
 29 complaint and attempt to resolve it through mediation between the



1 complainant and the subject of the complaint, or other means. The  
 2 department shall keep ~~complainants~~ **a complainant** notified regarding  
 3 the status of ~~their~~ **the complainant's** complaint and any resultant  
 4 investigation. If the department believes that a violation has  
 5 occurred, it shall issue to the offending person or entity a notice  
 6 of violation and the relief required of the offending person or  
 7 entity. The department shall prescribe the form and wording of such  
 8 notices of violation including any method of appealing the decision  
 9 of the department.

10 **(5)** ~~(d)~~ The department ~~shall have the power to~~ **may** impose  
 11 penalties and ~~to~~ grant an employee or former employee all  
 12 appropriate relief, including but not limited to, payment of all  
 13 earned sick time improperly withheld, any and all damages incurred  
 14 by the complaint as the result of violation of this act, back pay,  
 15 and reinstatement in the case of job loss.

16 **(6)** ~~(3)~~ If the director determines that there is reasonable  
 17 cause to believe that an employer violated this act and the  
 18 department is subsequently unable to obtain voluntary compliance by  
 19 the employer within a reasonable time, the department shall bring a  
 20 civil action ~~as provided in subsection (1)(a)~~ on behalf of the  
 21 employee. The department may investigate and file a civil action  
 22 ~~under subsection (1)(a)~~ on behalf of all employees **of** that employer  
 23 who are similarly situated at the same ~~work site~~ **worksite**. ~~and who~~  
 24 ~~have not brought a civil action under subsection (1)(a).~~ A contract  
 25 or agreement between the employer and the employee or any  
 26 acceptance by the employee of a paid or unpaid leave policy that  
 27 provides fewer rights or benefits than provided by this act is void  
 28 and unenforceable.

29 **(7)** ~~(4)~~ In addition to liability for civil remedies described



1 in this section, an employer ~~who fails to provide earned sick time~~  
2 ~~in violation of this act or that~~ takes retaliatory personnel action  
3 against an employee or former employee is subject to a civil fine  
4 of not more than \$1,000.00 **for each violation.**

5 **(8) In addition to liability for civil remedies described in**  
6 **this section, an employer that fails to provide earned sick time to**  
7 **an employee in violation of this act is subject to a civil fine of**  
8 **not more than 8 times the employee's normal hourly wage.**

9 **(9)** ~~(5)~~ An employer that willfully violates a notice or  
10 posting requirement of section 8 is subject to a civil fine of not  
11 more than \$100.00 for each ~~separate~~ violation.