

Legislative Analysis



EMPLOYMENT LEAVE UNIFORMITY ACT

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House Bill 4249 (Substitute H-2)

Sponsor: Rep. Earl Poleski

Committee: Commerce

Complete to 5-6-13

A SUMMARY OF HOUSE BILL 4249 AS REPORTED FROM COMMITTEE

The bill would create the Employment Leave Uniformity Act. Under this new act, a local unit of government could not require an employer to provide an employee with paid or unpaid leave that was not required by federal or state law.

This prohibition would apply to an ordinance or policy of a county, township, city, village, or other political subdivision. Any ordinance or policy inconsistent with the new act would be void.

The bill specifies that it would not prohibit an ordinance or policy on employee leave or absences that applied to an employee of the local unit that adopted the ordinance or policy. (That is, local units could adopt policies for their own employees, but not for the employees of other entities.)

Further, the bill specifies that it should not be construed to affect any court decision or litigation regarding any county, township, city, village, or other political subdivision wage ordinance, policy, or resolution that is decided or pending before the bill took effect.

FISCAL IMPACT:

The bill does not appear to have any direct state or local fiscal impact.

POSITIONS:

Those indicating support of the bill to the House Commerce Committee on 3-6-13 or 3-13-13 included: the Michigan Restaurant Association, the Michigan Chamber of Commerce, the Michigan Manufacturers Association, the Michigan Bankers Association, the National Federation of Independent Business of Michigan, the Michigan Retailers Association, and the Small Business Association of Michigan.

Those indicating opposition to the bill to the House Commerce Committee on 3-6-13 or 3-13-13 included: the Michigan Municipal League, the Michigan AFL-CIO, the United Auto Workers, AFSCME, Mothering Justice, the Michigan Unitarian Universalist Social Justice Network, and MichUHCAN (a health care advocacy group).

BRIEF DISCUSSION:

The proponents of the bill from the business community have advocated for this bill as a preemptive measure that will prevent local units of government from regulating employee leave practices as has occurred in some municipalities around the country. A key argument is that such regulation is best left to the federal and state governments so that there is consistency throughout the state. To do otherwise could potentially create a patchwork of employee leave regulations that would negatively affect the state's business climate and discourage business formation and expansion, especially in the small business sector.

The opponents believe that in cases where the state is lax in promoting the welfare of workers local units should be able to step in. Enlightened regulation that begins at the local level could well spread throughout the state as public consciousness is raised. Not only is the bill an attack on local control but it also could threaten the health of workers and the public alike. Businesses that do not provide sick leave to employees are essentially encouraging workers to be on the job even while ill, with the possibility of passing the illness on to others. This is seen as particularly a problem among restaurant workers who can contribute to the spread of foodborne illnesses.

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