



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4537 (Substitute H-1 as passed by the House)
Sponsor: Representative Andrea LaFontaine
House Committee: Commerce and Trade
Senate Committee: Commerce

Date Completed: 3-15-16

CONTENT

The bill would create the "Civil Air Patrol Employment Protection Act" to do the following:

- **Prohibit an employer from discriminating against, disciplining, or discharging an employee because he or she was responding as a member of the emergency civil air patrol, if certain conditions were met.**
- **Specify that the proposed Act would not prohibit certain employer actions.**
- **Allow an employee bring a civil action to enforce the Act.**

The bill would take effect 90 days after its enactment.

Specifically, an employer would be prohibited from discriminating against, disciplining, or discharging an employee for any of the following reasons: a) the employee was a member of the civil air patrol; or b) the employee was absent from work if all of the following conditions were met:

- The employee was absent for the purpose of responding as a member of the civil air patrol to an emergency declared by the Governor or the President of the United States.
- The employee gave his or her employee as much notice as possible of the dates the employee would be absent to serve with the civil air patrol during the emergency.
- The employee provided the employer with verification from the civil air patrol of the emergency need for the employee's volunteer service.

"Civil air patrol" would mean the civilian auxiliary of the United States Air Force. "Employee" would mean an individual who receives wages or remuneration for providing services to an employer. "Employer" would mean a person that provides wages or remuneration to one or more individuals who perform services for the employer under an express or implied contract of hire.

The proposed Act would not do either of the following: a) prohibit an employer from treating the time the employee was absent because of emergency civil air patrol service as unpaid time off; or b) prohibit an employer from complying with a collective bargaining agreement or employee benefit plan entered into before the bill's effective date.

Within 30 days after the bill's effective date, the date of employment, or the date of joining the civil air patrol, whichever was latest, an employee who was a member of the civil air patrol and was trained and qualified to provide emergency services would have to notify his or her employer that he or she could be called to an emergency.

An employee or former employee could bring a civil action for damages or equitable relief to enforce the proposed Act.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.