

# HOUSE BILL No. 5071

November 10, 2015, Introduced by Rep. Somerville and referred to the Committee on  
Commerce and Trade.

A bill to amend 1978 PA 390, entitled

"An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,"

by amending section 1 (MCL 408.471).

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

1           Sec. 1. As used in this act:

2           (a) "Department" means the department of ~~labor~~-**LICENSING AND**  
3 **REGULATORY AFFAIRS.**

4           (b) "Employ" means to engage or permit to work.

5           (c) "Employee" means an individual employed by an employer.

6           (d) "Employer" means an individual, sole proprietorship,  
7 partnership, association, or corporation, public or private; this

1 state or an agency of this state; a city, county, village,  
2 township, school district, or intermediate school district; an  
3 institution of higher education; or an individual acting directly  
4 or indirectly in the interest of an employer who employs 1 or more  
5 individuals. **EXCEPT AS SPECIFICALLY PROVIDED IN THE FRANCHISE  
6 AGREEMENT, AS BETWEEN A FRANCHISEE AND FRANCHISOR, THE FRANCHISEE  
7 IS CONSIDERED THE SOLE EMPLOYER OF WORKERS FOR WHOM THE FRANCHISEE  
8 PROVIDES A BENEFIT PLAN OR PAYS WAGES.**

9 (e) "Fringe benefits" means compensation due an employee  
10 pursuant to a written contract or written policy for holiday, time  
11 off for sickness or injury, time off for personal reasons or  
12 vacation, bonuses, authorized expenses incurred during the course  
13 of employment, and contributions made on behalf of an employee.

14 (f) "Wages" means all earnings of an employee whether  
15 determined on the basis of time, task, piece, commission, or other  
16 method of calculation for labor or services except those defined as  
17 fringe benefits under subdivision (e) above.

18 Enacting section 1. This amendatory act takes effect 90 days  
19 after the date it is enacted into law.