

# HOUSE BILL No. 5235

November 8, 2017, Introduced by Reps. Marino and LaSata 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 2 (MCL 408.472).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 2. (1) ~~An~~ **SUBJECT TO SUBSECTIONS (2), (3), AND (4) AN**  
2     employer ~~, except an employer of an individual who harvests crops~~  
3     ~~by hand as provided in subsection (2),~~ shall pay the following to  
4     each ~~AN~~ employee:

5           (a) On or before the first day of each calendar month, the  
6     wages earned **BY THE EMPLOYEE** during the first 15 days of the  
7     preceding calendar month.

(b) On or before the fifteenth day of each calendar month, the wages earned **BY THE EMPLOYEE** during the preceding calendar month from the sixteenth day through the last day.

(2) An employer shall pay to ~~each~~**AN** individual engaged in any phase of the hand harvesting of crops all wages earned in a week **BY THE INDIVIDUAL** on or before the second day following the work week unless another method of payment is agreed upon by written contract.

(3) An employer who has established a regularly scheduled weekly or biweekly payday ~~shall be deemed to be~~**IS** in compliance with subsection (1) ~~provided that~~**:IF BOTH OF THE FOLLOWING CONDITIONS ARE MET:**

(a) Wages are paid to the employee on the established regularly recurring payday. ~~and~~

(b) ~~Such~~**THE** payday occurs on or before the fourteenth day following the end of the work period in which the wages are earned.

(4) An employer who ~~establishes~~**HAS ESTABLISHED** a **REGULARLY SCHEDULED** monthly payday ~~shall be deemed to be~~**PAY PERIOD IS** in compliance with subsection (1) ~~provided that~~**IF** the employer pays to the employee, ~~on or before the first day of each calendar month~~**WITHIN 16 DAYS AFTER THE END OF A MONTHLY PAY PERIOD,** all wages earned during ~~the preceding calendar month~~**THE MONTHLY PAY PERIOD.**

(5) ~~In the case of~~**FOR** employees' overtime earnings earned during the month of December ~~which~~**THAT** would, in compliance with this section, be paid to the ~~employee~~**EMPLOYEES** after the sixteenth of December, an employer ~~will be deemed to be~~**IS** in compliance with this section ~~provided the employer meets all~~**IF BOTH** of the

1 following **CONDITIONS ARE MET:**

2 (a) Employees receive all their wages, except overtime, for  
3 the month of December on or before the employees' regularly  
4 scheduled payday. +

5 (b) ~~And all~~ **ALL** overtime wages earned during the month of  
6 December are paid on or before the next regularly scheduled payday  
7 following the payday in which the overtime would otherwise be paid.

8 (6) An employer may pay wages more often than required by this  
9 section.

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