

HOUSE BILL No. 6591

December 6, 2018, Introduced by Reps. Gay-Dagnogo, Hertel, Hammoud, Lasinski, Geiss, Wittenberg, Greig and Camilleri and referred to the Committee on Commerce and Trade.

A bill to require employers to provide rest periods for certain employees; to prescribe powers and duties of certain state governmental officers and entities; to authorize the promulgation of rules; and to prescribe civil sanctions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "employee rest period act".

3 Sec. 3. As used in this act:

4 (a) "Department" means the department of licensing and
5 regulatory affairs.

6 (b) "Employee" means an individual who is 18 years of age or
7 older and performing labor or services for the benefit of an
8 employer in which the employer may command when, where, and how

1 much labor or services must be performed.

2 (c) "Employer" means an individual, sole proprietorship,
3 partnership, association, limited liability company, private
4 corporation, or other nongovernmental entity that directly or
5 indirectly employs 1 or more individuals.

6 Sec. 5. (1) Except as provided in subsection (2), an employer
7 shall provide an employee with a rest period of not less than 10
8 consecutive minutes after every 4 consecutive hours that an
9 employee performs labor or services for the benefit of the
10 employer. An employer shall pay an employee wages for a rest period
11 and shall not deduct a rest period from the employee's wages.

12 (2) This section does not apply to any of the following
13 employees:

14 (a) An employee whose collective bargaining agreement
15 establishes a rest period.

16 (b) An employee who provides emergency medical response
17 services.

18 (c) An employee who is a manager.

19 Sec. 7. (1) If an employer violates this act, the employee
20 affected by the violation, at any time within 2 years after the
21 violation or 3 years after the violation if the violation was
22 willful, may file a complaint with the department in a manner as
23 provided by the department. The department shall investigate
24 alleged violations of this act and the rules promulgated under this
25 act. If an investigation indicates that a violation may have
26 occurred, a hearing must be held. The department shall issue a
27 written determination including the department's findings after the

1 hearing.

2 (2) An interested party may appeal a decision made by the
3 department under this act as a contested case pursuant to the
4 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
5 24.328.

6 Sec. 9. (1) An employer or any other person shall not
7 interfere with, restrain, or deny the exercise of, or the attempt
8 to exercise, any right protected under this act.

9 (2) An employer shall not take retaliatory personnel action or
10 discriminate against an employee because the employee has exercised
11 a right protected under this act.

12 (3) The protections in this section apply to any person who
13 mistakenly but in good faith alleges a violation of this section.

14 Sec. 11. (1) An employer shall retain for 5 years at the
15 premises of the employer a true and accurate record documenting the
16 hours worked by an employee.

17 (2) To monitor compliance with the requirements of this act,
18 an employer shall allow the department access to the records
19 required under subsection (1), with appropriate notice and at a
20 mutually agreeable time.

21 Sec. 13. An employer shall post and keep posted, in a
22 conspicuous place on the premises of the employer where notices to
23 employees are customarily posted, a notice, to be prepared or
24 approved by the department, that includes excerpts from, or
25 summaries of, the pertinent provisions of this act. If the premises
26 of the employer or other conditions make the posting of this notice
27 impractical, an employer shall make the notice described in this

1 section available to an employee upon request.

2 Sec. 15. An employer or person that violates this act may be
3 ordered to pay a civil fine of not more than \$500.00. A violation
4 of this act may be prosecuted by the prosecutor of the county in
5 which the violation occurred, or by the attorney general.

6 Sec. 17. The department may promulgate rules to implement this
7 act pursuant to the administrative procedures act of 1969, 1969 PA
8 306, MCL 24.201 to 24.328.

9 Sec. 19. This act applies to a collective bargaining agreement
10 or employment agreement that is executed, extended, or renewed on
11 or after the effective date of this act.

12 Enacting section 1. This act takes effect 90 days after the
13 date it is enacted into law.