

SENATE BILL No. 1175

November 8, 2018, Introduced by Senator SHIRKEY and referred to the Committee on Government Operations.

A bill to amend 2018 PA 338, entitled
"Earned sick time act,"
by amending sections 6 and 10 (MCL 408.966 and 408.970).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (2) An employer shall not take retaliatory personnel action or
5 discriminate against an employee because the employee has exercised
6 a right protected under this act. Rights protected ~~by~~**UNDER** this
7 act include, but are not limited to, the right to use earned sick
8 time pursuant to this act, the right to file a complaint or inform
9 any person about any employer's alleged violation of this act, the
10 right to cooperate with the department in its investigations of

1 alleged violations of this act, and the right to inform any person
2 of his or her rights under this act.

3 (3) An employer's absence control policy shall not treat
4 earned sick time taken under this act as an absence that may lead
5 to or result in retaliatory personnel action.

6 (4) The protections in this section apply to any person who
7 mistakenly but in good faith alleges a violation of this section.

8 ~~—— (5) There is a rebuttable presumption of a violation of this
9 section if an employer takes adverse personnel action against a
10 person within 90 days after that person does any of the following:~~

11 ~~—— (a) Files a complaint with the department or a court alleging
12 a violation of this act.~~

13 ~~—— (b) Informs any person about an employer's alleged violation
14 of this act.~~

15 ~~—— (c) Cooperates with the department or another person in the
16 investigation or prosecution of any alleged violation of this act.~~

17 ~~—— (d) Opposes any policy, practice, or act that is prohibited
18 under this act.~~

19 ~~—— (e) Informs any person of his or her rights under this act.~~

20 Sec. 10. An employer shall retain for not less than ~~3 years~~
21 **MONTHS** records documenting the hours worked and earned sick time
22 taken by employees. To monitor compliance with the requirements of
23 this act, an employer shall allow the department access to those
24 records, with appropriate notice and at a mutually agreeable time.
25 ~~If a question arises as to whether an employer has violated an
26 employee's right to earned sick time under this act and the
27 employer does not maintain or retain adequate records documenting~~

1 ~~the hours worked and earned sick time taken by the employee or does~~
2 ~~not allow the department reasonable access to those records, there~~
3 ~~is a presumption that the employer has violated the act, which can~~
4 ~~be rebutted only by clear and convincing evidence.~~