

SENATE BILL NO. 162

February 28, 2019, Introduced by Senators VICTORY, BUMSTEAD, OUTMAN, HOLLIER, HERTEL, DALEY, BARRETT and VANDERWALL and referred to the Committee on Economic and Small Business Development.

A bill to prohibit an employer from discriminating against, disciplining, or discharging an employee who is absent from work to respond to an emergency as an emergency responder; and to provide remedies for a violation of this act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. This act shall be known and may be cited as the
- 2 "emergency responder employment protection act".
- 3 Sec. 2. As used in this act:
- 4 (a) "Emergency responder" means an individual who is required

1 to possess a license, certificate, permit, or other official
2 recognition for his or her expertise in a particular field or area
3 of knowledge, whose assistance in that field or area is utilized or
4 is desirable during an emergency, and who provides such assistance
5 during emergencies on a volunteer or paid on-call basis. Emergency
6 responder includes, but is not limited to, emergency medical
7 services personnel; physicians; nurses; mental health, veterinary,
8 or other public health practitioners; emergency management
9 personnel; public works personnel; and firefighters, including, but
10 not limited to, firefighters trained in the areas of hazardous
11 materials, specialized rescue, extrication, water rescue, or other
12 specialized area. Emergency responder does not include law
13 enforcement officers or other law enforcement personnel.

14 (b) "Employee" means an individual who receives wages or
15 remuneration for providing services to an employer.

16 (c) "Employer" means a person that provides wages or
17 remuneration to 1 or more individuals who perform services for the
18 employer under an express or implied contract of hire.

19 Sec. 3. (1) Subject to subsections (2) and (3), an employer
20 shall not discriminate against, discipline, or discharge an
21 employee for any of the following reasons:

22 (a) The employee is an emergency responder.

23 (b) The employee is absent from work, if both of the following
24 conditions are met:

25 (i) The employee is absent for the purpose of responding as an
26 emergency responder to an emergency that began before the start of
27 the shift for which the employee is absent.

28 (ii) The employee provides the employer with verification of
29 the emergency need for the employee's service.

1 (2) Subsection (1)(b) does not apply to an employee who leaves
2 work during the employee's shift for the purpose of responding as
3 an emergency responder to an emergency.

4 (3) This act does not do any of the following:

5 (a) Prohibit an employer from treating the time the employee
6 is absent under subsection (1)(b) as unpaid time off.

7 (b) Prohibit an employer from complying with a collective
8 bargaining agreement or employee benefit plan entered into before
9 the effective date of this act.

10 (4) Within 30 days after the effective date of this act, the
11 date of employment, or the date of a change in an employee's status
12 as an emergency responder, whichever is latest, the employee shall
13 notify his or her employer of the employee's status as an emergency
14 responder.

15 (5) An employee or former employee may bring a civil action
16 for damages or equitable relief to enforce this act.