

# HOUSE BILL NO. 5823

February 23, 2022, Introduced by Reps. Young, Weiss, Brenda Carter, Sabo, Clemente, Haadsma, Coleman, Breen, Hope, Stone, Neeley, Brabec, Sowerby, Garza, Liberati, O'Neal, Pohutsky, Steckloff, Cavanagh, Rabhi, Cherry, Steenland, Tyrone Carter, Manoogian, Bolden, Kuppa, Rogers, Sneller, Scott, Thanedar, Ellison, Peterson, Aiyash, Koleszar, Shannon, Hood, Tate, Hertel, Morse, Brixie, Jones and Whitsett and referred to the Committee on Commerce and Tourism.

A bill to amend 2018 PA 337, entitled  
"Improved workforce opportunity wage act,"  
by amending section 7 (MCL 408.937).

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

1       Sec. 7. **(1)** An employer ~~who is~~ subject to this act or any  
2 regulation or order issued under this act shall furnish each  
3 employee with a statement of the hours worked by the employee and  
4 of the wages paid to the employee, listing deductions made each pay  
5 period. The employer shall furnish the commissioner, upon demand, a  
6 sworn statement of the wage information. These records ~~shall~~ **must**

1 be open to inspection by the commissioner, his or her deputy, or  
2 any authorized agent of the department at any reasonable time. An  
3 employer subject to this act or any regulation or order issued  
4 under this act shall keep a copy of this act and regulations and  
5 orders promulgated under this act posted in a conspicuous place in  
6 the workplace that is accessible to employees. The commissioner  
7 shall furnish copies of this act and the regulations and orders to  
8 employers without charge.

9 (2) In addition to the posting requirements of subsection (1),  
10 an employer subject to this act that operates a restaurant or a bar  
11 establishment shall keep a copy of all of the following information  
12 posted in a conspicuous place in the workplace that is accessible  
13 to employees:

14 (a) A plain language explanation of how section 4d is  
15 implemented and to whom section 4d applies.

16 (b) A statement that, under section 3(m) of the fair labor  
17 standards act of 1938, 29 USC 203, if an employee's gratuities plus  
18 the employee's cash wage do not equal or exceed the federal minimum  
19 hourly wage rate in effect under section 6(a)(1) of the federal  
20 labor standards act of 1938, 29 USC 206, the employee's employer  
21 must pay the shortfall to the employee.

22 (c) A statement that, under section 4d, if an employee's  
23 gratuities described under section 4d(1)(a) plus the minimum hourly  
24 wage rate under section 4d(1) do not equal or exceed the minimum  
25 hourly wage rate otherwise established under section 4, the  
26 employee's employer must pay the shortfall to the employee.

27 (d) The minimum hourly wage rate established under section  
28 4d(1).

29 (e) The maximum hourly wage difference an employer is required

1 to pay under section 4d(1) (b) .

2 (f) The commissioner's telephone number where violations of  
3 this act can be reported.

4 (3) As used in this section:

5 (a) "Bar establishment" means a barrier or counter at which  
6 alcoholic liquor is sold to, served to, or consumed by customers.

7 (b) "Restaurant" means a food service establishment as that  
8 term is defined in section 1107 of the food law, 2000 PA 92, MCL  
9 289.1107, that is licensed under the food law, 2000 PA 92, MCL  
10 289.1101 to 289.8111.