

## LEAVE TIME IN EVENT OF VIOLENT CRIME

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House Bill 6240 as reported from committee

Sponsor: Rep. Jimmie Wilson, Jr.

Committee: Labor

Complete to 12-13-24

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 6240 would amend the Earned Time Sick Act, which requires employers to provide sick time to their employees and prescribes conditions and requirements for its accrual and use, to require employers to allow employees to use earned sick time in certain cases where the employee or their family member is a victim of a violent crime.

#### Current provisions<sup>1</sup>

The act now requires an employer to allow an employee to use earned sick time accrued under the act for either of the following (among several other listed uses):

- If the employee or the employee's **family member** is a victim of **domestic violence** or **sexual assault**, for any of the following:
  - For medical care or psychological or other counseling for physical or psychological injury or disability.
  - To obtain services from a victim services organization.
  - To relocate due to domestic violence or sexual assault.
  - To obtain legal services.
  - To participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.
- For meetings at a child's school or place of care related to the child's health or disability, or the effects of domestic violence or sexual assault on the child.

**Family member** means any of the following (under both current law and the bill):

- A biological, adopted or foster child, stepchild or legal ward, a child of a *domestic partner*,<sup>2</sup> or a child to whom the employee stands in loco parentis.
- A biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee was a minor child.
- A person to whom the employee is legally married under the laws of any state or a domestic partner.
- A grandparent.
- A grandchild.
- A biological, foster, or adopted sibling.
- Any other individual related to the employee by blood or affinity whose close association with the employee is the equivalent of a family relationship.

<sup>1</sup> References here to the "current" act are to the act as revived on February 21, 2025, under the Michigan Supreme Court's decision in *Mothering Justice v Attorney General*, which is the version of the act the bill would amend. See: [https://www.courts.michigan.gov/4a6aec/siteassets/case-documents/uploads/opinions/final/sct/165325\\_115\\_01.pdf](https://www.courts.michigan.gov/4a6aec/siteassets/case-documents/uploads/opinions/final/sct/165325_115_01.pdf)

<sup>2</sup> The act defines *domestic partner* as an adult in a *committed relationship* with another adult, where *committed relationship* means one where the employee and other adult share responsibility for a significant measure of each other's common welfare, including such legally recognized relationships as civil unions.

***Domestic violence*** means the occurrence of any of the following acts by an individual that is not an act of self-defense:

- Causing or attempting to cause physical or mental harm to a family or household member.
- Placing a family or household member in fear of physical or mental harm.
- Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress.
- Engaging in activity toward a family or household member that would cause a reasonable individual to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

***Sexual assault*** means any act that constitutes a violation of section 520b, 520c, 520d, 520e, 520f, or 520g of the Michigan penal code.

#### Proposed provisions

The bill would instead require an employer to allow an employee to use earned sick time accrued under the act for any of the following (among the other now-listed uses):

- If the employee or the employee's family member is a victim of a ***violent crime***.
- For medical care or psychological or other counseling for physical or psychological injury or disability (a use already listed in other provisions of the act).
- To obtain services from a victim services organization.
- To relocate due to a violent crime.
- To obtain legal services.
- To participate in any civil or criminal proceedings related to or resulting from a violent crime.
- For meetings at a child's school or place of care related to the child's health or disability, or the effects of a violent crime.

***Violent crime*** would mean a violation of any of the following sections of the Michigan Penal Code:<sup>3</sup>

- Section 81c(3) (assault of certain DHHS employee).
- Section 82 (felonious assault).
- Section 83 (assault with intent to commit murder).
- Section 84 (assault with intent to do great bodily harm).
- Section 86 (assault with intent to maim).
- Section 87 (assault with intent to commit a felony).
- Section 88 (assault with intent to rob while unarmed).
- Section 89 (assault with intent to rob while armed).

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<sup>3</sup> **Note:** As defined in the bill, ***violent crime*** would not include certain violations that now can be included in the definition of ***domestic violence*** that now applies to these provisions under the act. For example, the definition of ***violent crime*** would not include (and the bill's provisions would not apply regarding) any violations of section 81 (assault, including of a spouse or other intimate relation), section 81a (aggravated assault, including of a spouse or other intimate relation), section 85 (torture), section 136b (child abuse), section 145n (vulnerable adult abuse), section 377a or 380 (willful and malicious destruction of personal property), or section 411h(2)(c) (stalking a spouse or other intimate relation) of the Michigan Penal Code, any of which could constitute ***domestic violence*** as now defined in the act. In part, this is because the definition of ***domestic violence*** is not tied to any specific violations of law, but to qualities that those violations may have in the event. It might also be worth noting that the bill's definition of ***violent crime*** would not include new sections of law enacted after 2004 prohibiting violent crimes, if there are any.

- Section 90a (aggravated assault of pregnant individual).
- Section 90b(a) or (b) (assault of pregnant individual).
- Section 91 (nonassaultive attempted murder).
- Sections 200 to 212a (explosives crimes).
- Section 316 (first-degree murder).
- Section 317 (second-degree murder).
- Section 321 (manslaughter).
- Section 349 (kidnapping).
- Section 349a (prisoner taking another person as hostage).
- Section 350 (kidnapping a child under the age of 14).
- Section 397 (mayhem).
- Section 411h(2)(b) or (3) (stalking minor victim).
- Section 411i (aggravated stalking).
- Section 520b (first-degree criminal sexual conduct).
- Section 520c (second-degree criminal sexual conduct).
- Section 520d (third-degree criminal sexual conduct).
- Section 520e (fourth-degree criminal sexual conduct).
- Section 520g (assault with intent to commit criminal sexual conduct).
- Section 529 (armed robbery).
- Section 529a (carjacking).
- Section 530 (unarmed robbery).
- Sections 543a to 543z (terrorism crimes).

#### Reasonable documentation and prohibited disclosure

The act now allows an employer to require reasonable documentation that earned sick time of more than three consecutive days was taken for one of the listed uses. For *domestic violence or sexual assault*, one of the following types of documentation selected by the employee is considered reasonable documentation:

- A police report indicating that the employee or the employee's family member was a victim of *domestic violence or sexual assault*.
- A signed statement from a victim and witness advocate affirming that the employee or employee's family member is receiving or sought services from a victim services organization. A court document indicating that the employee or employee's family member is involved in legal action related to *domestic violence or sexual assault*.

The bill would retain these provisions, but replace the term *domestic violence* or sexual assault with the term *violent crime*.

The act also now prohibits an employer from requiring disclosure of details relating to *domestic violence or sexual assault* as a condition of providing earned sick time. If an employer possesses health information or information pertaining to *domestic violence or sexual assault* about an employee or employee's family member, the employer must treat that information as confidential and is prohibited from disclosing that information except to the affected employee or with their written permission.

The bill would retain these provisions, but replace the term *domestic violence or sexual assault* with the term *violent crime*.

The bill would additionally prohibit an employer from disclosing that the employee requested, was granted, or took earned sick time due to a violent crime.

MCL 408.962 and 408.964

**FISCAL IMPACT:**

House Bill 6240 would not have a fiscal impact on any units of state or local government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.