

**SUBSTITUTE FOR
HOUSE BILL NO. 6238**

A bill to prohibit an employer from taking certain actions against an employee under certain circumstances; to require an employer to post and notify employees of certain information; to provide for the powers and duties of certain state governmental officers and entities; to require the promulgation of rules; to provide remedies; and to prescribe civil sanctions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Adverse employment action" includes, but is not limited
- 3 to, any of the following:
- 4 (i) Not hiring or recruiting an individual.
- 5 (ii) Discharging an individual, including constructively
- 6 discharging an individual.

1 (iii) Harassing an individual.

2 (iv) Otherwise discriminating or retaliating against an
3 individual with respect to wages, hours, or any other term or
4 condition of employment.

5 (b) "Applicant for employment" means an individual who submits
6 an application for employment to an employer or otherwise applies
7 for employment with an employer.

8 (c) "Department" means the department of labor and economic
9 opportunity.

10 (d) "Director" means the director of the department or the
11 director's designee.

12 (e) "Employee" means an individual that is employed by an
13 employer. Employee includes an applicant for employment.

14 (f) "Employer" means a person that employs 1 or more employees
15 in this state.

16 (g) "Family member" means any of the following of an
17 individual:

18 (i) A spouse.

19 (ii) A partner in a civil union.

20 (iii) A parent.

21 (iv) A grandparent.

22 (v) A child.

23 (vi) A grandchild.

24 (vii) A sibling.

25 (viii) An individual related by blood.

26 (ix) An individual related by a current or past marriage or
27 civil union.

28 (x) An individual with whom the individual shares a child.

1 (xi) An individual with whom the individual has a relationship
2 that is equivalent to a familial relationship.

3 (h) "Person" means an individual or a partnership,
4 corporation, limited liability company, association, governmental
5 entity, or other legal entity.

6 (i) "Violent crime" means an assaultive crime as that term is
7 defined in section 9a of chapter X of the code of criminal
8 procedure, 1927 PA 175, MCL 770.9a.

9 Sec. 3. An employer shall not take an adverse employment
10 action against an employee because of any of the following reasons:

11 (a) The employee is, or the employer perceives the employee to
12 be, a victim of a violent crime.

13 (b) The employee attends, participates in, prepares for, or
14 requests leave to attend, participate in, or prepare for a criminal
15 or civil action regarding a violent crime of which the employee or
16 a family member of the employee is a victim of a violent crime.

17 (c) The employee requests an adjustment to the employee's job
18 because the employee is a victim of a violent crime. As used in
19 this subdivision, "adjustment" includes, but is not limited to, any
20 of the following:

21 (i) A transfer to a different location.

22 (ii) A reassignment to a different department.

23 (iii) A modified work schedule.

24 (iv) A different telephone number.

25 (v) A different email address.

26 (vi) The installation of a lock on the door of the employee's
27 primary work location.

28 (vii) A change to a safety policy or procedure.

29 (d) An individual who has committed a violent crime against

1 the employee or a family member of the employee disrupts the
2 employer's workplace or threatens the employer's workplace. As used
3 in this subdivision, "threaten" means to take an action or make a
4 communication that expresses an intent to cause harm, injury, or
5 damage.

6 Sec. 5. (1) An employer shall do both of the following:

7 (a) Post and keep posted, in a conspicuous location that is
8 accessible to employees at each of the employer's work sites, the
9 notice described in subsection (2).

10 (b) Provide a copy of the notice described in subsection (2)
11 to each of the employer's employees. If an employee is not literate
12 in English, the employer shall provide the notice to the employee
13 in a language in which the employee is literate. If the employee is
14 not literate, the employer shall otherwise communicate the contents
15 of the notice described in subsection (2) to the employee.

16 (2) The director shall prepare a notice that summarizes the
17 provisions of this act for an employer to use under subsection (1).
18 The director shall provide the notice to an employer at no cost.

19 (3) An employer that willfully violates this section is
20 subject to a civil fine of not more than \$150.00. The prosecutor of
21 the county in which the violation occurred or the attorney general
22 may bring an action to collect the fine. A fine collected under
23 this subsection must be deposited in the general fund.

24 Sec. 7. (1) An individual aggrieved by a violation of this act
25 may, not later than 3 years after the date of the violation, bring
26 a civil action for injunctive relief or damages, or both, in the
27 circuit court for the county in which the alleged violation
28 occurred, the county in which the individual resides, or the county
29 in which the employer's principal place of business is located.

1 (2) A court may award a plaintiff who prevails in an action
2 brought under subsection (1) any of the following:

3 (a) Injunctive relief.

4 (b) Equitable relief, including, but not limited to, rehiring,
5 reinstatement, or promotion.

6 (c) Actual damages.

7 (d) Costs, including, but not limited to, reasonable attorney
8 fees.

9 Sec. 9. The director shall administer and enforce this act.
10 The director shall promulgate rules to implement this act under the
11 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
12 24.328.