

# HOUSE BILL NO. 4321

April 16, 2025, Introduced by Reps. Xiong, McKinney, Byrnes, Weiss, Rheingans, Breen, McFall, Wegela, B. Carter, Tsernoglou, Hoskins, Conlin, O'Neal, Longjohn, Price, MacDonell and Andrews and referred to Committee on Economic Competitiveness.

A bill to amend 1978 PA 390, entitled

"An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,"

by amending section 11 (MCL 408.481).

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

**1**        Sec. 11. (1) An employee who believes that ~~his or her~~ **the**

1 **employee's** employer has violated this act may file a written  
 2 complaint with the department ~~within-not later than~~ 12 months after  
 3 the alleged violation. A complaint filed under section 13(2) ~~shall~~  
 4 **must** be filed ~~within-not later than~~ 30 days after the alleged  
 5 violation. ~~occurs. Bilingual-~~**The department shall provide bilingual**  
 6 complaint forms ~~shall be provided by the department~~ in those areas  
 7 where substantial numbers of ~~non-English-speaking-non-English-~~  
 8 **speaking** employees are employed.

9 (2) ~~Within-~~**Not later than** a reasonable **amount of** time after a  
 10 complaint is filed, the department shall notify the employer, ~~and~~  
 11 investigate the claim, and ~~shall attempt to~~ informally resolve the  
 12 dispute.

13 (3) If the department is unable to informally resolve the  
 14 dispute, the department shall notify the employer and employee  
 15 ~~within-not later than~~ 90 days after the complaint is filed. The  
 16 notification ~~shall-must~~ include a determination of the merits of  
 17 the complaint and ~~shall-~~cite the specific violation, if any, wages  
 18 and fringe benefits due, and specific penalties assessed.

19 (4) The employer or employee may request a review of the  
 20 department's determination ~~within-not later than~~ 14 days after **the**  
 21 **department issues** notification **of its determination.** ~~is issued.~~ If  
 22 **the department does not receive** a request for a review by ~~either~~  
 23 the employer or employee ~~is not received by the department~~ within  
 24 ~~14 days,~~ **that 14-day period,** in the absence of a showing of good  
 25 cause for a late request, the department's determination is final.

26 (5) For the purpose of an investigation or proceeding under  
 27 this act, the director of labor ~~the department~~ or an ~~authorized~~  
 28 ~~representative of the director~~ **director's designee** may administer  
 29 oaths and affirmations, subpoena witnesses ~~—~~**and** compel their

1 attendance, take evidence, and require the production of records or  
 2 other documents ~~which~~**that** the department considers relevant or  
 3 material to the inquiry.

4 (6) The employee, **the** employer, and the department ~~shall~~**must**  
 5 be parties to a proceeding before a hearings officer brought  
 6 ~~pursuant to~~**under** this section.

7 (7) The director shall appoint hearings officers to make  
 8 determinations in proceedings brought ~~pursuant to~~**under** this  
 9 section. All proceedings in a hearing ~~shall~~**must** be conducted  
 10 ~~pursuant to the procedures applicable to the trial of~~**as** contested  
 11 cases under ~~Act No. 306 of the Public Acts of 1969, as amended,~~  
 12 ~~being sections 24.201 to 24.315 of the Michigan Compiled Laws.~~**the**  
 13 **administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to**  
 14 **24.328.** The hearings officer shall affirm, modify, or rescind the  
 15 order of the department and may assess costs as provided in section  
 16 18(3) .

17 (8) The hearings officer shall issue a determination, which  
 18 ~~constitutes~~**is** a final disposition of the proceedings, to each  
 19 party ~~within~~**not later than** 30 days after the conclusion of the  
 20 hearing. The determination of the hearings officer ~~shall become~~  
 21 **becomes** the final ~~agency~~**department** order upon receipt by the  
 22 parties.

23 (9) A party to the proceeding may obtain judicial review ~~of~~  
 24 ~~the determination of the hearings officer~~**officer's determination**  
 25 ~~pursuant to Act No. 306 of the Public Acts of 1969, as amended.~~**in**  
 26 **accordance with the administrative procedures act of 1969, 1969 PA**  
 27 **306, MCL 24.201 to 24.328.** Venue for an appeal under this act ~~shall~~  
 28 **is proper** only ~~be~~ in the circuit where the employee is a resident,  
 29 ~~where~~ the employment occurred, or ~~where~~ the employer has a

1 principal place of business.

2 (10) If requested by an employee who files a complaint against  
3 an employer under this section, the department shall, to the extent  
4 allowed by law, not disclose to the employer the identity of the  
5 employee.