

## THE MICHIGAN PENAL CODE (EXCERPT)

### Act 328 of 1931

#### CHAPTER LI

#### LABORERS, MECHANICS, EMPLOYEES AND WORKERS

##### **750.351 Consideration for employment.**

Sec. 351. Receiving remuneration, etc., from employe in consideration of employment—Any employer or agent or representative of an employer or other person having authority from his employer to hire, employ, or direct the services of other persons in the employment of said employer, who shall demand or receive directly or indirectly from any person when in the employment of said employer, any fee, gift or other remuneration or consideration, or any part or portion of any tips or gratuities received by such employe while in the employment of said employer, in consideration or as a condition of such employment or hiring or employing any person to perform such services for such employer or of permitting said person to continue in such employment is guilty of a misdemeanor.

Nothing contained in this section shall be construed to apply to employment agencies or employment agents licensed and operating under the laws of this state.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.351.

**Former law:** See sections 1 and 2 of Act 322 of 1919, being CL 1929, §§ 8520 and 8521.

##### **750.352 Molesting and disturbing persons in pursuit of occupation, vocation or avocation.**

Sec. 352. Any person or persons who shall, by threats, intimidations, or otherwise, and without authority of law, interfere with, or in any way molest, or attempt to interfere with, or in any way molest or disturb, without such authority, any person, in the quiet and peaceable pursuit of his lawful occupation, vocation or avocation, or on the way to and from such occupation, vocation or avocation, or who shall aid or abet in any such unlawful acts, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1947, Act 297, Eff. Oct. 11, 1947;—CL 1948, 750.352.

**Former law:** See section 1 of Act 163 of 1867, being CL 1871, § 7690; How., § 9273; CL 1897, § 11343; CL 1915, § 15010; and CL 1929, § 8612.

##### **750.353 Contributions to charitable purposes, deduction from wages.**

Sec. 353. Contributions by laborers, etc., to charitable purposes and deductions from wages—Any employer of labor, who, by himself, his agent, clerk or servant, shall require any employe, or person seeking employment, as a condition of such employment or continuance therein, to make and enter into any contract, oral or written, whereby such employe or applicant for employment shall agree to contribute directly or indirectly to any fund for charitable, social or beneficial purpose or purposes, shall be guilty of a misdemeanor.

Any such employer, who, by himself, his agent, clerk or servant, shall deduct from the wages of any employe, directly or indirectly, any part thereof without the full and free consent of such employe, obtained without intimidation or fear of discharge for refusal to permit such deduction, shall be guilty of a misdemeanor.

If the employer be a firm or corporation, each and every member of said firm, and each and every managing officer of the corporation, shall be liable to punishment under this section; and any clerk, servant or agent of any such employer who shall do or attempt to do any act forbidden by this section, shall be equally liable with his employer or employers as principal, for any such violation of this section.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.353.

**Former law:** See sections 1 to 4 of Act 192 of 1893, being CL 1897, §§ 11400 to 11403; CL 1915, §§ 15118 to 15121; and CL 1929, §§ 8513 to 8516.

##### **750.353a Employee welfare plan, failure of employer to contribute as promised.**

Sec. 353a. Any employer who promises in writing to make payments to an employee welfare plan, vacation plan, health plan, dental plan, insurance plan, supplemental unemployment benefit plan, profit sharing plan, pension plan or any employee welfare plan, either by contract with an individual employee, by a collective bargaining agreement or by agreement with such employee plan, and who fails to make such payments within 3 weeks after they become due and payable, shall be guilty of a misdemeanor. This section shall not apply where the failure to make payments is prevented by act of God, proceedings in bankruptcy, orders or processes of any court of competent jurisdiction or circumstances over which the employer has no control. Conviction for violation of this section does not relieve the employer of liability for moneys under

such agreement or contract.

**History:** Add. 1960, Act 15, Eff. Aug. 17, 1960;—Am. 1966, Act 45, Eff. Mar. 10, 1967.

#### **750.354 Insurance with particular company.**

Sec. 354. (1) A person doing business in this state or for any of the agents of such person shall not require any of the employees of the person to take out or obtain a life, accident, or life and accident policy in favor of the employee or other person in any particular or designated life, accident, or life and accident company or association.

All contracts hereinafter made between any person and any employee of the person requiring or stipulating that the employee so contracting shall procure, obtain, or have a policy of insurance in any particular or designated company or association are void.

(2) Subsection (1) does not proscribe the employers of labor and the persons employed from voluntarily making agreements with each other for contributions of money by the latter to any fund to be accumulated in their behalf and for their benefit in common with others, and in such case from further agreeing that the employer may deduct from their wages, from time to time, the sums due from them under such agreement.

(3) Any person who violates the provisions of this section is guilty of a misdemeanor, and where such person is a company or corporation, it shall be punished by a fine of not more than \$200.00 for each and every offense, and any shareholder, officer, or agent of any such company or corporation violating the provisions of this section shall be punished by imprisonment for not more than 90 days or a fine of not more than \$500.00 for each offense.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.354;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See sections 1 to 3 of Act 209 of 1895, being CL 1897, §§ 8584 to 8586; CL 1915, §§ 11357 to 11359; and CL 1929, §§ 8517 to 8519.

#### **750.354a Unlawful to compel certain employees to pay cost of medical examination, photographing or fingerprinting; penalty.**

Sec. 354a. It shall be unlawful for any employer in the state of Michigan to compel newly hired employees or employees reporting back to work after a furlough or leave of absence to pay the cost of a medical examination or to pay for being photographed and finger printed, when requested by the employer.

Any employer operating in the state of Michigan violating the provisions of this act shall be liable to a penalty of not more than \$100.00 for each and every violation. It shall be the duty of the commissioner of labor to enforce this act.

**History:** Add. 1947, Act 196, Eff. Oct. 11, 1947;—CL 1948, 750.354a;—Am. 1949, Act 13, Eff. Sept. 23, 1949.

#### **750.355 Temporary water closets.**

Sec. 355. Temporary waterclosets for workmen in buildings in course of construction—Any architect who shall refuse, fail or neglect to insert a clause in the specifications for all buildings providing for suitable temporary water closets for the use of workmen employed on such buildings while in the course of erection, unless closets are already maintained on such premises; and any contractor or person erecting such building who shall refuse, fail or neglect to erect such closet within the first week after commencing work thereon, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.355.

**Former law:** See sections 1 and 2 of Act 205 of 1899, being CL 1915, §§ 5578 and 5579; and CL 1929, §§ 6677 and 6678.

#### **750.355a Consideration for employing or not discharging.**

Sec. 355a. Any person who is in the employment of any other person and whose duties in whole or in part consist of the engaging of the services of persons for employment by his employer and/or who has authority to discharge persons in the employment of his employer and who accepts from such person or any other person, any money, gift or anything of value as a part of the consideration for securing such employment or who shall make the purchase of any article of value from any person obligatory on the part of such person seeking employment, or forces an employee to purchase or contract for the purchase of goods, wares or merchandise from any person, as a whole or part consideration for not ordering the discharge of such person shall be deemed guilty of a misdemeanor.

**History:** Add. 1939, Act 223, Eff. Sept. 29, 1939;—CL 1948, 750.355a.