



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 310 (as introduced 4-30-15)
Sponsor: Senator Patrick J. Colbeck
Committee: Commerce

Date Completed: 6-12-15

CONTENT

The bill would create the "Civil Air Patrol Employment Protection Act" to do the following:

- Prohibit an employer from discriminating against, disciplining, or discharging an employee because he or she was responding as a member of the emergency civil air patrol, if certain conditions were met.**
- Specify that the proposed Act would not prohibit certain employer actions.**
- Allow an employee bring a civil action to enforce the Act.**

The bill would take effect 90 days after its enactment.

Specifically, an employer would be prohibited from discriminating against, disciplining, or discharging an employee because the employee was absent from work if all of the following conditions were met: a) the employee was absent for the purpose of responding as a member of the civil air patrol to an emergency declared by the Governor; b) the employee gave his or her employee as much notice as possible of the dates the employee would be absent to serve with the civil air patrol during the emergency; and c) the employee provided the employer with verification from the civil air patrol of the emergency need for the employee's service.

"Civil air patrol" would mean the civilian auxiliary of the United States Air Force. "Employee" would mean an individual who receives wages or remuneration for providing services to an employer. "Employer" would mean a person that provides wages or remuneration to one or more individuals who perform services for the employer under an express or implied contract of hire.

The proposed Act would not do either of the following: a) prohibit an employer from treating the time the employer was absent because of emergency civil air patrol service as unpaid time off; or b) prohibit an employer from complying with a collective bargaining agreement or employee benefit plan entered into before the bill's effective date.

An employee or former employee could bring a civil action for damages or equitable relief to enforce the proposed Act.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill could have a fiscal impact on the State or a local unit of government if a civil action for damages or equitable relief were filed by an individual who was the subject of a violation of the proposed Act. The potential cost to the State or local unit of government is

indeterminate and dependent on the amount of damages or equitable relief awarded by the court. These costs would be in addition to any potential costs of litigation that the State or local unit would incur.

Fiscal Analyst: Joe Carrasco

SAS\S1516\s310sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.