# HOUSE BILL No. 4226

A bill to provide for birth or adoption leave from employment;
to prescribe the conditions for taking that leave; to prohibit
retaliation; and to prescribe remedies.

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

1    Sec. 1. This act shall be known and may be cited as the "birth

2    or adoption leave act".

3    Sec. 3. As used in this act:

4    (a) "Birth or adoption leave" means paid time off from work to

5    allow an employee time to care for a newborn or newly adopted

6    child.

7    (b) "Employee" means a person who works for an employer under

8    an express or implied contract of hire, but does not include an

9    independent contractor.

10    (c) "Employer" means an individual, partnership, corporation,

1  association, or other business entity that employs 50 or more

2  employees and includes this state and a unit of local government.

3      Sec. 5. An employer shall allow 4 consecutive weeks of birth

4  or adoption leave to an employee if all of the following conditions

5  are met:

6      (a) The employee has been employed by the employer for at

7  least 12 months and has worked for at least 1,250 hours during the

8  immediately preceding 12 months.

9      (b) The employee is the parent or adoptive parent of a newborn

10 child or child newly placed for adoption and the employee uses the

11 birth or adoption leave to care for that child.

12     (c) The employee notifies the employer of the intent to use

13 the leave as soon as practicable after the need for the employee to

14 use birth or adoption leave becomes apparent.

15     Sec. 7. An employer may require an employee who gives notice

16 under section 5(c) to provide supporting information regarding the

17 employee's eligibility for leave under this act.

18     Sec. 9. (1) An employer shall continue to provide existing

19 fringe benefits to an employee during birth or adoption leave, and

20 the employee is responsible for the same proportion of the cost of

21 those benefits as the employee paid before the leave period.

22     (2) Upon an employee's return to work from birth or adoption

23 leave, an employer shall restore the employee to his or her

24 position or to a position with at least equivalent seniority,

25 benefits, pay, and other terms and conditions of employment.

26     Sec. 11. (1) An employer shall not interfere with, restrain,

27 or deny the exercise or attempted exercise of a right provided

1  under this act.

2     (2) An employer shall not discharge, fine, suspend, expel,

3  discipline, or discriminate against an employee with respect to any

4  term or condition of employment because of the employee's actual or

5  potential exercise, or support for another employee's exercise, of

6  a right under this act. This subsection does not prohibit an

7  employer from taking employment action that is independent of the

8  exercise of a right under this act.

9     (3) An employer shall not deprive an employee who takes birth

10  or adoption leave of an employment benefit that accrued before the

11  date that the birth or adoption leave begins.

12     Sec. 13. This act does not affect an employer's obligation to

13  comply with a collective bargaining agreement, employee benefit

14  plan, or other law that provides greater leave rights to employees

15  than provided under this act.

16     Sec. 15. (1) An employer shall not require an employee to

17  waive a right under this act.

18     (2) An employee's rights under this act cannot be waived or

19  diminished under a term in a collective bargaining agreement or

20  employee benefit plan that takes effect after the effective date of

21  this act.

22     Sec. 17. An individual aggrieved by a violation of this act

23  may bring an action in the circuit court to enjoin the violation or

24  for any other relief necessary to secure a right under this act.

25     Enacting section 1. This act takes effect 90 days after the

26  date it is enacted into law.