

HOUSE BILL NO. 6130

August 17, 2020, Introduced by Reps. Cynthia Johnson and Cynthia Neeley and referred to the Committee on Commerce and Tourism.

A bill to amend 2018 PA 338, entitled
"Paid medical leave act,"
by amending section 2 (MCL 408.962), as amended by 2018 PA 369.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. **(1)** As used in this act:
- 2 (a) "Benefit year" means any consecutive 12-month period used
- 3 by an employer to calculate an eligible employee's benefits.
- 4 (b) "Department" means the department of ~~licensing and~~
- 5 ~~regulatory affairs.~~ **labor and economic opportunity.**
- 6 (c) "Director" means the director of the department or the



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1 director's designee.

2 (d) "Domestic violence" means that term as defined in section
3 1 of 1978 PA 389, MCL 400.1501.

4 (e) "Eligible employee" means an individual engaged in service
5 to an employer in the business of the employer and from whom an
6 employer is required to withhold for federal income tax purposes.
7 ~~Eligible~~**Subject to subsection (2), eligible** employee does not
8 include any of the following:

9 (i) An individual who is exempt from overtime requirements
10 under section 13(a)(1) of the fair labor standards act, 29 USC
11 213(a)(1).

12 (ii) An individual who is not employed by a public agency, as
13 that term is defined in section 3 of the fair labor standards act,
14 29 USC 203, and who is covered by a collective bargaining agreement
15 that is in effect.

16 (iii) An individual employed by the United States government,
17 another state, or a political subdivision of another state.

18 (iv) An individual employed by an air carrier as a flight deck
19 or cabin crew member that is subject to title II of the railway
20 labor act, 45 USC 151 to 188.

21 (v) An employee as described in section 201 of the railway
22 labor act, 45 USC 181.

23 (vi) An employee as defined in section 1 of the railroad
24 unemployment insurance act, 45 USC 351.

25 (vii) An individual whose primary work location is not in this
26 state.

27 (viii) An individual whose minimum hourly wage rate is
28 determined under section 4b of the improved workforce opportunity
29 wage act, 2018 PA 337, MCL 408.934b.



(ix) An individual described in section 29(1)(I) of the Michigan employment security act, 1936 (Ex Sess) PA 1, MCL 421.29.

(x) An individual employed by an employer for 25 weeks or fewer in a calendar year for a job scheduled for 25 weeks or fewer.

(xi) A variable hour employee as defined in 26 CFR 54.4980H-1.

(xii) An individual who worked, on average, fewer than 25 hours per week during the immediately preceding calendar year.

(f) "Employer" means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, government entity, or other entity that employs 50 or more individuals. Employer does not include the United States government, another state, or a political subdivision of another state.

(g) "Family member" includes all of the following:

(i) A biological, adopted, or foster child, stepchild or legal ward, or a child to whom the eligible employee stands in loco parentis.

(ii) A biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an eligible employee or an eligible employee's spouse or an individual who stood in loco parentis when the eligible employee was a minor child.

(iii) An individual to whom the eligible employee is legally married under the laws of any state.

(iv) A grandparent.

(v) A grandchild.

(vi) A biological, foster, or adopted sibling.

(h) "Health care provider" means that term as defined in section 101 of the family and medical leave act, 29 USC 2611.



1 (i) "Paid medical leave" means time off from work that is
2 provided by an employer to an eligible employee **and** that can be
3 used for the purposes described in section 4(1).

4 (j) "Sexual assault" means any act that violates section 520b,
5 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328,
6 MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

7 **(2) Subsection (1)(e)(x), (xi), and (xii) does not apply during**
8 **a state of emergency declared under the emergency management act,**
9 **1976 PA 390, MCL 30.401 to 30.421, or under 1945 PA 302, MCL 10.31**
10 **to 10.33.**

