

HOUSE BILL NO. 5347

September 29, 2021, Introduced by Reps. Pohutsky, Manoogian, Weiss, Cavanagh, Neeley, Young, Stone, Rogers, Kuppa, Steckloff, Hope, Hood, Brabec, Sowerby, Haadsma, Koleszar, Brixie, Clemente, Aiyash, Morse, Breen, Tyrone Carter, Puri, Ellison, O'Neal, Cherry, Sneller, Thanedar, Scott, Lasinski and Anthony and referred to the Committee on Workforce, Trades, and Talent.

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

1 child.

2 (b) "Employee" means a person who works for an employer under
3 an express or implied contract of hire, but does not include an
4 independent contractor.

5 (c) "Employer" means an individual, partnership, corporation,
6 association, or other business entity that employs 50 or more
7 employees and includes this state and a unit of local government.

8 Sec. 5. An employer shall allow 4 consecutive weeks of birth
9 or adoption leave to an employee if all of the following conditions
10 are met:

11 (a) The employee has been employed by the employer for at
12 least 12 months and has worked for at least 1,250 hours during the
13 immediately preceding 12 months.

14 (b) The employee is the parent or adoptive parent of a newborn
15 child or child newly placed for adoption and the employee uses the
16 birth or adoption leave to care for that child.

17 (c) The employee notifies the employer of the intent to use
18 the leave as soon as practicable after the need for the employee to
19 use birth or adoption leave becomes apparent.

20 Sec. 7. An employer may require an employee who gives notice
21 under section 5(c) to provide supporting information regarding the
22 employee's eligibility for leave under this act.

23 Sec. 9. (1) An employer shall continue to provide existing
24 fringe benefits to an employee during birth or adoption leave, and
25 the employee is responsible for the same proportion of the cost of
26 those benefits as the employee paid before the leave period.

27 (2) Upon an employee's return to work from birth or adoption
28 leave, an employer shall restore the employee to his or her
29 position or to a position with at least equivalent seniority,

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

2 Sec. 11. (1) An employer shall not interfere with, restrain,
3 or deny the exercise or attempted exercise of a right provided
4 under this act.

5 (2) An employer shall not discharge, fine, suspend, expel,
6 discipline, or discriminate against an employee with respect to any
7 term or condition of employment because of the employee's actual or
8 potential exercise, or support for another employee's exercise, of
9 a right under this act. This subsection does not prohibit an
10 employer from taking employment action that is independent of the
11 exercise of a right under this act.

12 (3) An employer shall not deprive an employee who takes birth
13 or adoption leave of an employment benefit that accrued before the
14 date that the birth or adoption leave begins.

15 Sec. 13. This act does not affect an employer's obligation to
16 comply with a collective bargaining agreement, employee benefit
17 plan, or other law that provides greater leave rights to employees
18 than provided under this act.

19 Sec. 15. (1) An employer shall not require an employee to
20 waive a right under this act.

21 (2) An employee's rights under this act cannot be waived or
22 diminished under a term in a collective bargaining agreement or
23 employee benefit plan that takes effect after the effective date of
24 this act.

25 Sec. 17. An individual aggrieved by a violation of this act
26 may bring an action in the circuit court to enjoin the violation or
27 for any other relief necessary to secure a right under this act.

28 Enacting section 1. This act takes effect 90 days after the
29 date it is enacted into law.