

HOUSE BILL NO. 5348

September 29, 2021, Introduced by Reps. Bolden, Manoogian, Weiss, Neeley, Cavanagh, Stone, Pohutsky, Young, 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 amend 2018 PA 338, entitled
"Paid medical leave act,"
by amending section 4 (MCL 408.964), as amended by 2018 PA 369.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) An employer shall allow an eligible employee to
2 use paid medical leave accrued under section 3 for any of the
3 following:

4 (a) The eligible employee's mental or physical illness,
5 injury, or health condition, **including a miscarriage or stillbirth**
6 **or fetus of the employee or employee's spouse or partner being**

1 declared medically not viable to survive birth by an individual
2 licensed as a physician or otherwise authorized to engage in the
3 practice of medicine under part 170 or part 175 of the public
4 health code, 1978 PA 368, MCL 333.17001 to 333.17084 and 333.17501
5 to 333.17556; medical diagnosis, care, or treatment of the eligible
6 employee's mental or physical illness, injury, or health condition;
7 or preventative medical care for the eligible employee.

8 (b) The eligible employee's family member's mental or physical
9 illness, injury, or health condition, **including a miscarriage or**
10 **stillbirth**; medical diagnosis, care, or treatment of the eligible
11 employee's family member's mental or physical illness, injury, or
12 health condition; or preventative medical care for a family member
13 of the eligible employee.

14 (c) If the eligible employee or the eligible employee's family
15 member is a victim of domestic violence or sexual assault, the
16 medical care or psychological or other counseling for physical or
17 psychological injury or disability; to obtain services from a
18 victim services organization; to relocate ~~due to~~ **because of**
19 domestic violence or sexual assault; to obtain legal services; or
20 to participate in any civil or criminal proceedings related to or
21 resulting from the domestic violence or sexual assault.

22 (d) For closure of the eligible employee's primary workplace
23 by order of a public official ~~due to~~ **because of** a public health
24 emergency; for an eligible employee's need to care for a child
25 whose school or place of care has been closed by order of a public
26 official ~~due to~~ **because of** a public health emergency; or if it has
27 been determined by the health authorities having jurisdiction or by
28 a health care provider that the eligible employee's or eligible
29 employee's family member's presence in the community would

1 jeopardize the health of others because of the eligible employee's
2 or family member's exposure to a communicable disease, whether or
3 not the eligible employee or family member has actually contracted
4 the communicable disease.

5 (2) An eligible employee shall, when requesting to use paid
6 medical leave, comply with his or her employer's usual and
7 customary notice, procedural, and documentation requirements for
8 requesting leave. An employer shall give an eligible employee at
9 least 3 days to provide the employer with documentation. This act
10 does not prohibit an employer from disciplining or discharging an
11 eligible employee for failing to comply with the employer's usual
12 and customary notice, procedural, and documentation requirements
13 for requesting leave.

14 (3) Paid medical leave must be used in 1-hour increments
15 unless the employer has a different increment policy and the policy
16 is in writing in an employee handbook or other employee benefits
17 document.

18 (4) An employer may require an eligible employee who is using
19 paid medical leave because of domestic violence or sexual assault
20 to provide documentation that the paid medical leave has been used
21 for that purpose. The following types of documentation are
22 satisfactory for purposes of this subsection:

23 (a) A police report indicating that the eligible employee or
24 the eligible employee's family member was a victim of domestic
25 violence or sexual assault.

26 (b) A signed statement from a victim and witness advocate
27 affirming that the eligible employee or eligible employee's family
28 member is receiving services from a victim services organization.

29 (c) A court document indicating that the eligible employee or

1 eligible employee's family member is involved in legal action
2 related to domestic violence or sexual assault.

3 (5) An employer shall not require that the documentation
4 provided under subsection (4) explain the details of the violence.
5 An employer shall not require disclosure of details relating to
6 domestic violence or sexual assault or the details of an eligible
7 employee's or an eligible employee's family member's medical
8 condition as a condition of providing paid medical leave under this
9 act. If an employer possesses health information or information
10 pertaining to domestic violence or sexual assault about an eligible
11 employee or eligible employee's family member, the employer shall
12 treat that information as confidential and shall not disclose that
13 information except to the affected eligible employee or with the
14 permission of the affected eligible employee.

15 (6) This act does not require an employer to provide paid
16 medical leave for any purposes other than as described in this
17 section.