

HOUSE BILL NO. 4409

April 29, 2025, Introduced by Reps. Byrnes, Dievendorf, Morgan, Miller, Paiz, Andrews, Rogers, Brixie, Farhat, Grant, B. Carter, Price, MacDonell, McFall, Fitzgerald, Martus, Wilson, Young, T. Carter, Coffia, Koleszar, Weiss, Myers-Phillips, Hoskins, Arbit, Scott, Wooden, Conlin, Longjohn, Tsernoglou, Breen, Hope, Pohutsky, Glanville, McKinney, O'Neal, Wegela, Rheingans and Foreman and referred to Committee on Economic Competitiveness.

A bill to amend 1978 PA 390, entitled

"An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,"

by amending the title and section 18 (MCL 408.488), the title as amended by 1982 PA 524, and by adding section 9a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to regulate the time and manner of payment of wages and
 3 fringe benefits to employees; to prescribe rights and
 4 responsibilities of employers and employees; ~~and to prescribe~~ the
 5 powers and duties of ~~the department of labor;~~ **certain state**
 6 **governmental officers and entities;** to require keeping of records;
 7 **to require creation and disclosure of job descriptions;** to provide
 8 for settlement of disputes regarding wages and fringe benefits; to
 9 prohibit certain practices by employers; to prescribe penalties and
 10 remedies; and to repeal certain acts and parts of acts.

11 **Sec. 9a. (1) An employer shall create and maintain for each**
 12 **position a job description that includes all of the following:**

13 (a) A list of the essential duties and responsibilities of the
 14 job.

15 (b) A description of the skills, training, and effort required
 16 to perform the job.

17 (c) The working conditions and schedule under which the job is
 18 performed.

19 (d) Salary information, including the pay scale, if any.

20 (2) An employer shall make the applicable job description
 21 available to a job applicant during the recruitment, hiring, or
 22 promotion process and to any employee who requests the job
 23 description.

24 (3) An employer shall not apply a revised job description to a
 25 current employee until the employee has been given an opportunity
 26 to review and initial the revised job description.

27 Sec. 18. (1) The department shall order an employer ~~who~~ **that**
 28 violates section 2, 3, 4, 5, 6, 7, or 8 to pay the following:

29 (a) Wages due ~~to~~ the employee.

1 (b) Fringe benefits due ~~to~~ or on ~~the~~ behalf of the employee in
2 accordance with ~~the terms set forth in~~ the written contract or
3 written policy.

4 (c) A penalty at the rate of 10% annually on the wages and
5 fringe benefits due **the employee**, beginning at the time the
6 employer is notified that a complaint has been filed and ending
7 when payment is made.

8 (2) The department may order an employer ~~who~~**that** violates
9 section 2, 3, 4, 5, 6, 7, or 8 to pay to the employee exemplary
10 damages of not more than ~~twice~~**2 times** the amount of the wages and
11 fringe benefits ~~which~~**that** were due **the employee**, if the violation
12 is flagrant or repeated.

13 (3) The department may order an employer ~~who~~**that** violates
14 section 2, 3, 4, 5, 6, 7, or 8 to pay attorney costs, hearing
15 costs, and transcript costs.

16 (4) The department may assess a civil ~~penalty~~**fine** of not more
17 than \$1,000.00 against an employer ~~who~~**that** violates this act. ~~7~~
18 ~~which~~**The civil penalty shall fine must** be credited to the general
19 fund of this state.

20 (5) **All of the following apply to a violation of section 9a:**

21 (a) **For a first violation, the department shall issue a notice**
22 **of violation to the employer that states that the employer must**
23 **correct the violation not later than 14 days after the employer**
24 **receives the notice. If the employer does not correct the violation**
25 **within the 14-day period, the employer is subject to a civil fine**
26 **of not more than \$1,000.00.**

27 (b) **For a second violation, the employer is subject to a civil**
28 **fine of not more than \$2,500.00.**

29 (c) **For a third violation, the employer is subject to a civil**

1 fine of not more than \$5,000.00.

2 (d) For a fourth violation or subsequent violation, the
3 employer is subject to a civil fine of not more than \$25,000.00.

4 (e) An individual aggrieved by a violation of section 9a may
5 bring an action to recover actual damages. A court shall award a
6 plaintiff who prevails in an action brought under this subdivision
7 both of the following:

8 (i) Actual damages or \$10,000.00, whichever is greater.

9 (ii) Actual costs, including reasonable attorney fees.

10 (6) The sanctions and remedies established under subsection
11 (5) are in addition to any other applicable sanction or remedy
12 established under this act for a violation of this act.

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.