

# HOUSE BILL No. 5712

May 3, 1990, Introduced by Rep. Stupak and referred to the Committee on Labor.

A bill to amend section 18 of Act No. 390 of the Public Acts of 1978, entitled as amended

"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,"

being section 408.488 of the Michigan Compiled Laws; and to add section 5a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 18 of Act No. 390 of the Public Acts of  
2 1978, being section 408.488 of the Michigan Compiled Laws, is  
3 amended and section 5a is added to read as follows:

4       SEC. 5A. (1) EXCEPT AS OTHERWISE PROVIDED IN A WRITTEN  
5 EMPLOYMENT CONTRACT OR A COLLECTIVE BARGAINING AGREEMENT IN

1 EFFECT ON THE EFFECTIVE DATE OF THE 1990 AMENDATORY ACT THAT  
2 ADDED THIS SECTION, AN EMPLOYER SHALL NOT TAKE DISCIPLINARY  
3 ACTION OR DEDUCT WAGES FROM AN EMPLOYEE WHO IS ABSENT FROM HIS OR  
4 HER EMPLOYMENT DUE TO ACTIVITIES AS A VOLUNTEER FIRE FIGHTER  
5 INVOLVING THE ACTUAL EXTINGUISHMENT OF A FIRE.

6 (2) A WRITTEN AGREEMENT BETWEEN A VOLUNTEER FIRE FIGHTER AND  
7 THE FIRE DEPARTMENT OR THE CITY, COUNTY, TOWNSHIP, OR VILLAGE  
8 ORGANIZATION EMPLOYING THE VOLUNTEER FIRE FIGHTER SHALL REFER TO  
9 THE RIGHTS CONTAINED IN THIS SECTION.

10 (3) AS USED IN THIS SECTION, "VOLUNTEER FIRE FIGHTER" MEANS  
11 AN INDIVIDUAL WHO, WITHOUT COMPENSATION AND ON A VOLUNTARY BASIS,  
12 IS A MEMBER OF A FIRE DEPARTMENT OR A CITY, COUNTY, TOWNSHIP, OR  
13 VILLAGE ORGANIZATION RESPONSIBLE FOR THE EXTINGUISHMENT, DETEC-  
14 TION, AND PREVENTION OF FIRES AND THE ENFORCEMENT OF LAWS RELAT-  
15 ING TO FIRES.

16 Sec. 18. (1) The department shall order an employer who  
17 violates section 2, 3, 4, 5, 5A, 6, 7, or 8 to pay the  
18 following:

19 (a) Wages due to the employee.

20 (b) Fringe benefits due to or on the behalf of the employee  
21 in accordance with the terms set forth in the written contract or  
22 written policy.

23 (c) A penalty at the rate of 10% annually on the wages and  
24 fringe benefits due beginning at the time the employer is noti-  
25 fied that a complaint has been filed and ending when payment is  
26 made.

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

6       (3) The department may order an employer who violates sec-  
7 tion 2, 3, 4, 5, 5A, 6, 7, or 8 to pay attorney costs, hearing  
8 costs, and transcript costs.

9       (4) The department may assess a civil penalty of not more  
10 than \$1,000.00 against an employer who violates this act, which  
11 civil penalty shall be credited to the general fund of this  
12 state.