

Legislative Analysis



EMPLOYEE LEAVE WITH PAY FOR ADOPTION OF CHILD UNDER 5 YEARS

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House Bill 4312

Sponsor: Rep. Gabe Leland

Committee: Families and Children's Services

Complete to 5-24-10

A SUMMARY OF HOUSE BILL 4312 AS INTRODUCED 2-17-10

The bill would amend Section 3 of Public Act 390 of 1978, which regulates wages and fringe benefits, to require an employer that provides leave with pay to an employee following the birth of a child to also provide the same leave with pay to an employee when a child under five years is placed with the employee for adoption.

Under the section of the act being amended, an employer is required to pay fringe benefits, such as paid leave, on behalf of the employee under the terms of a written contract or policy.

The term "employer" in the act refers to an individual, sole proprietorship, partnership, association, or corporation, public or private; this state or an agency of this state; a city, county, village, township, school district, or intermediate school district; an institution of higher education; or an individual acting directly or indirectly in the interest of an employer who employs one or more individuals.

MCL 408.473

FISCAL IMPACT:

The bill would appear to have no significant budgetary impact on the state, as the collective bargaining agreements generally provide unpaid parental leave for adoptive parents. The bill would have an indeterminate, but not likely significant, budgetary impact on local units of government to the extent that they provide paid parental leave to birth parents but not adoptive parents. A review of selected municipal collective bargaining agreements indicates that parental leave for birth and adoptive parents is provided on an unpaid basis, consistent with provisions of the federal Family and Medical Leave Act (FMLA).

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