

Legislative Analysis



EMPLOYEE LEAVE WITH PAY FOR ADOPTION OF CHILD UNDER 1 YEAR

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House Bill 4312 (Substitute H-1)
Sponsor: Rep. Gabe Leland
Committee: Families and Children's Services

Complete to 05-31-10

A SUMMARY OF HOUSE BILL 4312 AS REPORTED FROM COMMITTEE

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 one year 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 (rather than paid) parental leave, meaning that the state would not be required under the bill to provide paid adoptive leave. 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).

There appears to no single source for statistics on adoptions by Michigan parents, given the mix of private adoptions, public agency adoptions, and intercountry (foreign) adoptions. The Department of Human Services notes that there were 3,030 public agency adoptions in FY 2009. Additionally, U.S. Department of State data indicates that there were 512 intercountry adoptions by Michigan parents in FY 2009. In addition, U.S.

Department of Health and Human Service data indicates that, over the years, approximately 2% of public agency adoptions in Michigan involve children under one year of age. Given these figures, it is likely that the bill would impact a relatively small number of adoptive parents statewide.

POSITIONS:

Department of Energy, Labor and Economic Growth supports the bill. (5-26-10)

Michigan Family Forum supports the bill. (5-26-10)

Michigan Grocers Association supports the bill. (5-26-10)

Michigan Manufacturers Association opposes the bill. (5-26-10)

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