State Budget Office
Office of Regulatory Reinvention
111 S. Capitol Avenue; 8th Floor, Romney Building,
Lansing, MI 48933
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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at **orr@michigan.gov**.

1. Agency Information

Agency name:	Department of Licensing and Regulatory Affairs
Division/Bureau/Office:	Wage and Hour Division/Bureau of Employment Relations
Name, title, phone number, and e-mail of person **completing this form:**	Troy Smith Smitht5@michigan.gov 284-7804

2. Rule Set Information

Title of proposed rule set:	Wage and Hour Division General Rules	
Rule number(s) or range of numbers:	R 408.701 – R 408.787	
Included in agency's annual regulatory plan as rule to be processed in current year?		Yes

3. Estimated timetable for completion, or statutory deadline, if applicable:

> Six weeks from the initiation of rulemaking or March 29, 2019

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

> Public Act 138 of 2014 was repealed and replaced by 2018 PA 337, which is known as the Improved Workforce Opportunity Wage Act. The goal of this rule set is to revise the Wage and Hour Division General Rules in order to comply with 2018 PA 337.

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

> Section 6 of the 2018 PA 337, permits the Commissioner, meaning the Director of the Department of Licensing and Regulatory Affairs as defined in Section 2(a), MCL 408.932(a) of Public Act 337, to promulgate rules under the Administrative Procedures Act that are necessary for the administration of Public Act 337.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

> The proposed rules will not conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards because the proposed rules will revise the current rules to comply with 2018 PA 337.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

> Yes, the subject matter is contained in a Division policy manual.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

Yes, the intent is to promulgate the proposed rules under Section 44 of the APA to ensure prompt promulgation and to ensure that the new rules are in place due to the new act 2018 PA 337, which repeals 2014 PA 138 effective March 29, 2019.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

No, the proposed rules do not incorporate the recommendation of any Advisory Rules Committee.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

No, there is no applicable decision record.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim
Department of Licensing and Regulatory Affairs

↓ To be completed by the ORR ↓

Date RFR received:2-26-2019

☒ **Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.**

ORR assigned rule set number:	**2019-025 LR**
Date of approval:	**3/8/19**

☐ **Based on the information in this RFR, the ORR is not approving the RFR at this time.**

Date of disapproval:	
Explanation:	