

HOUSE BILL NO. 5701

March 17, 2020, Introduced by Reps. Rabhi, Pohutsky, Koleszar, Guerra, Chirkun, Cynthia Johnson, Kennedy, Coleman, Cynthia Neeley, Garza, Stone, Gay-Dagnogo, Anthony, Camilleri, Manoogian, Tyrone Carter, Shannon, Greig, Haadsma, Kuppa, Ellison, Sowerby, Lasinski, Hoadley, Hood, Sabo, Hertel, Sneller, Byrd, Cherry, Warren, Peterson, Bolden, Elder, Garrett, Yancey, Cambensy, Hammoud, Brixie and Love and referred to the Committee on Commerce and Tourism.

A bill to prohibit an employer from taking certain actions against employees who engage in certain activities during a declared emergency; to prohibit discrimination and retaliation for engaging in certain activities; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Adverse employment action" includes, but is not limited
- 3 to, any of the following:
- 4 (i) Disciplinary action.



- 1 (ii) Termination of employment.
- 2 (iii) A demotion or a failure to provide a promotion.
- 3 (iv) An involuntary change in a work shift.
- 4 (v) An involuntary reduction of work hours.
- 5 (vi) A reduction of employment benefits.
- 6 (vii) A reduction in salary or wage.
- 7 (viii) Any other changes in the terms or conditions of
- 8 employment.
- 9 (b) "Damages" means any of the following:
- 10 (i) Actual injury or loss.
- 11 (ii) Reasonable attorney fees.
- 12 (iii) Reasonable court costs.
- 13 (c) "Employee" means an individual employed by an employer.
- 14 (d) "Employer" means a person or a state or local governmental
- 15 entity that employs 1 or more individuals.
- 16 (e) "Person" means an individual, partnership, corporation,
- 17 association, or other legal entity.
- 18 Sec. 3. (1) An employer shall not take adverse employment
- 19 action or otherwise discriminate or retaliate against an employee
- 20 who is absent from work during an emergency declared by the
- 21 governor or the President of the United States if any of the
- 22 following conditions apply:
- 23 (a) The employee was involuntarily detained under section 2453
- 24 of the public health code, 1978 PA 368, MCL 333.2453.
- 25 (b) The employee was involuntarily detained or isolated under
- 26 guidance from the federal Centers for Disease Control.
- 27 (c) The employee was voluntarily isolated pursuant to guidance
- 28 from a physician or a local, state, or federal public health



1 authority because of 1 or more of the following:

2 (i) The employee showed symptoms of an infectious disease.

3 (ii) The employee traveled to an area where an infectious
4 disease was present while the employee was in that area.

5 (iii) The employee was exposed to an infectious disease or to an
6 individual who was infected with an infectious disease.

7 (d) The employee was caring for an incapacitated member of the
8 employee's family or a minor to whom 1 or more of the conditions
9 listed in subdivision (c) (i) to (iii) apply.

10 (e) The employee was caring for a minor younger than 13 years
11 of age because of school or childcare closures.

12 (2) An employer shall not take adverse employment action or
13 otherwise discriminate or retaliate against an employee because the
14 employee does any of the following:

15 (a) Opposes a violation of this act.

16 (b) Brings an action under this act.

17 (c) Testifies, assists, or participates in an action brought
18 under this act.

19 Sec. 5. (1) An employee aggrieved by a violation of this act
20 may bring a civil action for appropriate injunctive relief or
21 damages, or both, in the circuit court for the county where the
22 alleged violation occurred or for the county where the employer
23 against whom the action is filed is located or has its principal
24 place of business.

25 (2) A court shall award to a plaintiff who prevails in an
26 action brought under this act damages of not less than \$5,000.00.

27 Sec. 7. (1) This act applies to public employers and public
28 employees, except to the extent that it is inconsistent with
29 section 5 of article XI of the state constitution of 1963.



1 (2) If a collective bargaining agreement or other contract
2 that is inconsistent with this act is in effect for an employee on
3 the effective date of this act, this act applies to that employee
4 beginning on the date the collective bargaining agreement or other
5 contract expires or is amended, extended, or renewed.

