

HOUSE BILL NO. 5346

September 29, 2021, Introduced by Reps. Hood, Kuppa, Stone, Aiyash, Cavanagh, Young, Manoogian, Bolden, Weiss, Neeley, Pohutsky, Rogers, Steckloff, Hope, Brabec, Sowerby, Haadsma, Koleszar, Brixie, Morse, Breen, Tyrone Carter, Puri, Ellison, O'Neal, Cherry, Sneller, Thanedar, Scott, Lasinski and Anthony and referred to the Committee on Workforce, Trades, and Talent.

A bill to require employers to provide rest periods for certain employees; to prescribe powers and duties of certain state governmental officers and entities; to authorize the promulgation of rules; and to prescribe civil sanctions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "employee rest period
2 act".

3 Sec. 3. As used in this act:

4 (a) "Department" means the department of labor and economic
5 opportunity.

1 (b) "Employee" means an individual who meets both of the
2 following requirements:

3 (i) Is 18 years of age or older.

4 (ii) Is employed by an employer.

5 (c) "Employer" means a person that employs 1 or more
6 individuals.

7 (d) "Person" means an individual, partnership, corporation,
8 association, governmental entity, or other legal entity.

9 Sec. 5. (1) Except as otherwise provided in subsection (5), an
10 employer shall provide an employee with a rest period of not less
11 than 15 consecutive minutes if the employee works 4 or more, but
12 less than 6, consecutive hours.

13 (2) Except as otherwise provided in subsection (5), an
14 employer shall provide an employee with a rest period of not less
15 than 30 consecutive minutes if the employee works 6 or more, but
16 less than 8, consecutive hours.

17 (3) Except as otherwise provided in subsection (5), if an
18 employee works 8 or more consecutive hours, an employer shall
19 provide the employee with the following rest periods:

20 (a) A rest period of not less than 30 consecutive minutes for
21 the first 8 consecutive hours of work.

22 (b) Rest periods of 15 consecutive minutes for every
23 additional 4 consecutive hours of work.

24 (4) An employer shall pay an employee wages for a rest period
25 and shall not deduct a rest period from the employee's wages.

26 Sec. 7. (1) A person shall not interfere with, restrain, or
27 deny the exercise of, or the attempt to exercise, a right protected
28 under this act.

29 (2) An employer shall not take retaliatory personnel action or

1 discriminate against an employee because the employee exercises a
2 right protected under this act.

3 (3) The protections in this section apply to a person that
4 mistakenly but in good faith alleges a violation of this section.

5 Sec. 9. (1) An employer shall retain for 5 years at the
6 premises of the employer an accurate record documenting the hours
7 worked by an employee.

8 (2) To monitor compliance with the requirements of this act,
9 an employer shall allow the department access to the records
10 required under subsection (1), with appropriate notice and at a
11 mutually agreeable time.

12 Sec. 11. A person that violates this act may be ordered to pay
13 a civil fine of not more than \$500.00. The prosecutor of the county
14 in which the violation occurred or the attorney general may bring
15 an action to collect the fine.

16 Sec. 13. The department may promulgate rules to implement this
17 act pursuant to the administrative procedures act of 1969, 1969 PA
18 306, MCL 24.201 to 24.328.

19 Sec. 15. This act applies to a collective bargaining agreement
20 or employment agreement that is executed, extended, or renewed on
21 or after the effective date of this act.