

Act No. 44
Public Acts of 2023
Approved by the Governor
June 13, 2023
Filed with the Secretary of State
June 13, 2023
EFFECTIVE DATE: June 13, 2023

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Senators Santana and Wojno

ENROLLED SENATE BILL No. 32

AN ACT to amend 1978 PA 390, entitled “An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,” by amending section 8 (MCL 408.478).

The People of the State of Michigan enact:

Sec. 8. (1) Except as otherwise provided in this subsection, an employer, agent or representative of an employer, or other person having authority from the employer to hire, employ, or direct the services of other persons in the employment of the employer shall not demand or receive, directly or indirectly from an employee, a fee, gift, tip, gratuity, or other remuneration or consideration, as a condition of employment or continuation of employment. This subsection does not apply to any of the following:

(a) Fees collected by an employment agency licensed under the laws of this state.

(b) Subject to subsection (3), the following remuneration or consideration collected by a law enforcement agency under a signed agreement entered into on or after the effective date of the amendatory act that added this subdivision:

(i) If the employee voluntarily leaves employment with the law enforcement agency not more than 1 year after the date the employee’s law enforcement training academy ended, 100% of the cost of the law enforcement training academy up to and not exceeding the employee’s salary for the first year of employment with the law enforcement agency.

(ii) If the employee voluntarily leaves employment with the law enforcement agency more than 1 year but less than 2 years after the date the employee’s law enforcement training academy ended, 75% of the cost of the law enforcement training academy up to and not exceeding the employee’s salary for the first year of employment with the law enforcement agency.

(iii) If the employee voluntarily leaves employment with the law enforcement agency 2 years or more but less than 3 years after the date the employee’s law enforcement training academy ended, 50% of the cost of the law enforcement training academy up to and not exceeding the employee’s salary for the first year of employment with the law enforcement agency.

(iv) If the employee voluntarily leaves employment with the law enforcement agency 3 years or more but less than 4 years after the date the employee’s law enforcement training academy ended, 25% of the cost of the law enforcement training academy up to and not exceeding the employee’s salary for the first year of employment with the law enforcement agency.

(c) Remuneration or consideration collected by an employer under an optional education repayment agreement in which the employer offers to fund an employee's education with the understanding that the employee will repay the costs incurred unless the employee remains with the employer for a specific period.

(2) Except for a contribution required or expressly permitted by law or by a collective bargaining agreement, an employer shall not require an employee or a person seeking employment to contribute directly or indirectly to a charitable, social, or beneficial purpose as a condition of employment or continuation of employment.

(3) An agreement under subsection (1)(b) must contain the following terms:

(a) That the law enforcement agency will pay the cost of a law enforcement training academy required for that employee to obtain a license under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(b) The conditions under which the payment under subdivision (a) will be provided and under which repayment to the law enforcement agency by the employee or another person may be required.

(c) That remuneration or consideration from the employee will be waived by the law enforcement agency if the employee is not required to be licensed as a law enforcement officer under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, within any of the following:

(i) One year after leaving employment with the law enforcement agency. This subparagraph applies if the employee voluntarily leaves employment with the law enforcement agency not more than 1 year after the date the employee's law enforcement training academy ended.

(ii) Two years after leaving employment with the law enforcement agency. This subparagraph applies if the employee voluntarily leaves employment with the law enforcement agency more than 1 year and less than 4 years after the date the employee's law enforcement training academy ended.

(4) As used in this section:

(a) "Law enforcement agency" means that term as defined in section 2 of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.602.

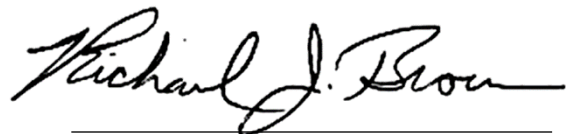
(b) "Law enforcement training academy" means that term as defined in section 2 of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.602.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4176 of the 102nd Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor

Compiler's note: House Bill No. 4176, referred to in enacting section 1, was filed with the Secretary of State June 13, 2023 and became 2023 PA 43, Imd. Eff. June 13, 2023.