

HOUSE BILL NO. 4176

March 07, 2023, Introduced by Reps. Tyrone Carter, Young, McFall, Pohutsky, Arbit, Conlin, Brabec, Rheingans, Grant, Hoskins, Tsernoglou, Wilson, Brenda Carter, Mentzer, Farhat, Edwards, Price, Snyder, Liberati, McKinney, Paiz, Byrnes, O'Neal, Glanville, Whitsett, Coleman, Haadsma, Scott, Beson, BeGole, DeBoer and Aiyash and referred to the Committee on Judiciary.

A bill 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:

1 Sec. 8. (1) ~~An~~ **Except as otherwise provided in this**

1 **subsection, an** employer, agent or representative of an employer, or
2 other person having authority from the employer to hire, employ, or
3 direct the services of other persons in the employment of the
4 employer shall not demand or receive, directly or indirectly from
5 an employee, a fee, gift, tip, gratuity, or other remuneration or
6 consideration, as a condition of employment or continuation of
7 employment. This subsection does not apply to ~~fees~~ **either of the**
8 **following:**

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

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

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

21 (ii) If the employee voluntarily leaves employment with the law
22 enforcement agency more than 1 year but less than 2 years after the
23 date the employee's law enforcement training academy ended, 66% of
24 the cost of the law enforcement training academy up to and not
25 exceeding the employee's salary for the first year of employment
26 with the law enforcement agency.

27 (iii) If the employee voluntarily leaves employment with the law
28 enforcement agency 2 years or more but less than 3 years after the
29 date the employee's law enforcement training academy ended, 33% of

1 the cost of the law enforcement training academy up to and not
2 exceeding the employee's salary for the first year of employment
3 with the law enforcement agency.

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

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

12 (a) That the employer will pay the cost of a law enforcement
13 training academy required for that employee to obtain a license
14 under the Michigan commission on law enforcement standards act,
15 1965 PA 203, MCL 28.601 to 28.615.

16 (b) The conditions under which the payment under subdivision
17 (a) will be provided and under which repayment to the employer by
18 the employee or another person may be required.

19 (c) That remuneration or consideration from the employee will
20 be waived by the employer if the employee is not required to be
21 licensed as a law enforcement officer under the Michigan commission
22 on law enforcement standards act, 1965 PA 203, MCL 28.601 to
23 28.615, within any of the following:

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

28 (ii) 2 years after leaving employment with the employer. This
29 subparagraph applies if the employee voluntarily leaves employment

1 with the law enforcement agency not less than 1 year and not more
2 than 3 years after the date the employee's law enforcement training
3 academy ended.

4 (4) As used in this section:

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

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

11 Enacting section 1. This amendatory act takes effect 90 days
12 after the date it is enacted into law.