


Overview of Paid Sick Time Laws in the United States

Please note that these paid sick time materials do not represent an exhaustive overview of the state, county, and city paid sick time laws described, and it does not constitute legal advice. It is possible that additional provisions not described in these materials may apply to a worker's specific circumstances or category of employment.

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|  <p>For more information visit A Better Balance (abetterbalance.org)</p> | Michigan |
| <p>Who is covered? Note: City/county paid sick time laws cannot cover state government workers, and city, county, and state paid sick time laws cannot cover federal government workers.</p> | <p>Michigan workers who work for an employer with 50 or more employees are covered. The following workers are exempt: government workers; workers whose primary work location is not in Michigan; workers who are exempt from the overtime requirements under the Fair Labor Standards Act; certain railway and air carrier workers; workers who are employed for 25 weeks or fewer in a calendar year for a job scheduled for 25 weeks or fewer; workers who worked, on average, fewer than 25 hours per week during the immediately preceding calendar year; variable hour employees as defined in 26 CFR 54.4980H-1; workers described in section 29(1)(l) of the Michigan Employment Security Act; and workers whose minimum hourly wage rate is determined under section 4b of the Improved Workforce Opportunity Wage Act.</p> |
| <p>Can sick time be used to care for loved ones?</p> | <p>Yes: children; spouses; parents; parents of a spouse; grandparents; grandchildren; and siblings.</p> |
| <p>How is "child" defined?</p> | <p>Biological, adopted or foster child, stepchild or legal ward, or a child to whom the employee stands in loco parentis.</p> |
| <p>Can sick time be used for specific "safe time" purposes (related to domestic violence, sexual assault, or stalking)?</p> | <p>Yes, when the worker or the worker's family member is a victim.</p> |
| <p>Can sick time be used under the law to bond with a new child and/or deal with a family member's death? Note: It is possible that other laws, such as the Family and Medical Leave Act or a state equivalent, could provide eligible workers with unpaid leave for these purposes.</p> | <p>No.</p> |
| <p>Can sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency?</p> | <p>Yes.</p> |
| <p>Rate at which workers earn paid sick time?</p> | <p>1 hour for every 35 hours worked.</p> |
| <p>Do workers have different sick time-related rights based on the size of their employer? If so, based on what employer-size threshold(s)?</p> | <p>Yes, workers who work for employers with fewer than 50 employees are exempt.</p> |

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| Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time laws make it clear that these laws establish a minimum requirement, and employers can provide greater or more generous paid sick time benefits to their workers.) | Up to 40 hours per year. |
| When do workers begin to earn paid sick time? | At the commencement of employment, but workers aren't entitled to use earned sick time until the 90th calendar day after commencing employment. |
| Does unused sick time carry forward to the subsequent year? | Workers can carry over to the following year up to 40 hours of unused earned sick time, but employers are not required to allow employees to use more than 40 hours of paid sick time per year. |
| Private Right of Action to go to Court? | No. |
| Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)? | The law's provisions do not apply to workers covered by a CBA that is in effect prior to the law's effective date (March 29, 2019). For workers covered by a CBA in effect on March 29, 2019, the law applies beginning on the stated expiration date in the CBA. |
| What Agency or Official Enforces the Law? | The Michigan Department of Licensing and Regulatory Affairs |
| For the statewide paid sick time laws: can cities in the state pass paid sick time laws that are broader than the state law? | Although this Act does not explicitly address local authority to pass a paid sick time law, a separate Michigan law already preempted—or prohibited—cities from passing their own sick time laws. |
| Statutory Citation(s) | Mich. Comp. Laws § 408.961 et seq. |
| Additional Notes | <p>After a comprehensive paid sick time ballot initiative qualified to go to voters in the November 2018 election, the Michigan Legislature bypassed voters on September 6, 2018, and passed the Michigan Earned Sick Time Act itself. However, the Legislature later severely weakened the law in the lame duck session (a move that would have not been possible if voters passed the initiative themselves), renaming it the Paid Medical Leave Act. Governor Rick Snyder approved the amended law on December 13, 2018. The originally passed law was more universal in coverage, while the amended law constricts both coverage and application of the law. In August 2022, a Michigan judge ruled that the Legislature violated Michigan law by adopting and amending the earned paid sick leave ballot initiative in the same legislative session, thwarting the ballot initiative power reserved to the people in the Michigan Constitution. The decision was reversed at the appellate court, but ongoing litigation is possible. A Better Balance will share any updates as we receive them.</p> |