

The MI Supreme Court's Decision on Mandatory Paid Sick Leave

Top Things Employers Need to Know

1. NO EXEMPTIONS.

Paid sick leave must be expanded to all employees – full-time, part-time and seasonal. There are no exemptions for employers with existing paid leave policies or small employers. All employers will need to adjust their policies.

2. NO NOTIFICATION.

Requires employees to submit leave time notifications “as soon as practicable.” In practice, this will provide employees 72 hours of no-notice, intermittent leave time each calendar year.

3. LIMITS DOCUMENTATION.

An employer can only require documentation after three consecutive leave days and, even then, the employee only has to offer a generic statement by a health care professional – nothing more.

4. EMPLOYER PAYS.

Employers are responsible for paying the employee's out-of-pocket costs associated with providing documentation.

5. LITIGATION NIGHTMARE.

The Act allows employees to sue businesses and assumes the employee's side for unfavorable personnel actions, putting employers in a position of having to defend their HR decisions in court.

6. FINES & FEES.

Remedies available to employees include reinstatement, attorney fees and all back pay and benefits (doubled as liquidated damages).

7. USE OF TIME.

Leave time can be used in the smallest increment that the employer's payroll system uses to account for absences.

8. CARRY-OVER OF TIME.

Employees can carry over sick time from year to year.

The Michigan Supreme Court ruled in July of 2024 that a 2018 ballot initiative to mandate paid sick leave requirements should be put into effect — despite never being voted on by the people — saying the strategy the Michigan Legislature used to adopt alternative legislation violated the Michigan Constitution.

Our Action Plan:

The Chamber is on the job for you and will continue to fight back with a two-pronged strategy:

- Compliance – We are here to help you break down your compliance obligations.
- Legislative – We are working on a strategy softening the impact of this adverse Supreme Court ruling via legislative changes.

Questions?

Do you have questions about the changes?

Contact Wendy Block at wblock@michamber.com for assistance!




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