

e-Alert: Michigan Passes Earned Sick Leave Law

Background

Michigan has passed the “Earned Sick Time Act,” requiring Michigan employers to provide paid sick leave to their employees beginning in 2019, although the exact date has not yet been set. Following are highlights of the New regulations.

Employers and employees covered

All employers and employees in Michigan are covered under this law.

Basic guidelines

The new law will have the following provisions:

- Employees generally will accrue a minimum of one hour of sick leave for every 30 hours worked. Earned sick leave carries over from year to year.
- An employee generally may use earned sick leave as it is accrued, but new employees hired after April 1, 2019, may be required to wait 90 days.
- In general, an employer must pay an employee for paid earned sick leave at the same rate of pay he or she normally earns. However, an employer is not required to pay an employee for accrued but unused leave upon termination, resignation, or retirement.
- Employees in businesses with fewer than 10 employees during any 20 or more calendar workweeks in either the current or preceding calendar year earn 40 hours of paid earned sick leave and 32 hours of unpaid earned sick leave per year.
- Employees in businesses with 10 or more employees may accrue up to 72 hours of paid earned sick leave per year.
- If the employee’s need to use earned sick leave is foreseeable, an employer may require advance notice, not to exceed seven days prior to the date the sick leave is to begin. For unforeseeable sick leave, an employer may require the employee to give notice as soon as practicable.
- For earned sick leave of more than three consecutive days, employers may require reasonable documentation that the sick leave has been used for a qualifying event.
- Employers must retain records documenting the hours worked and earned sick leave taken by employees for at least three years.
- Employees can use leave for themselves or to care for or assist a “family member.” A family member is defined as a child, grandchild, grandparent, parent, sibling, spouse, and any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Mandatory posting and notice

Employers must provide a written notice (to be created by the state) regarding the leave to each employee at the time of hiring or by April 1, 2019 — whichever is later — in English and certain other languages. The employer will be required to display a poster (to be created by the state) in a conspicuous place accessible to employees.



Next steps for employers

- Start updating your employee handbooks with these new changes.
- If you have not previously offered paid sick time to employees, you will be required to do so and should create a new policy to comply with these provisions.
- If you already provide sick time, review your current policies to make sure they comply with the provisions of the new law.
- If you are one of our full-service clients, we will work with you to review your current policies to ensure they are compliant with these new regulations.
- If you are not a client but would like to learn more about our services, please [contact us](#).

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