

# MANDATORY PAID SICK LEAVE

## 10 Things Employers Need To Know

- 1. NO EXEMPTIONS.** 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.** The Act requires seven days notice for use or, if not possible, "as soon as practicable." This will provide employees 72 hours of no-notice leave time.
- 3. WEAK DOCUMENTATION.** An employer can only require documentation after three consecutive leave days.
- 4. NO DETAILS.** Documentation that sick time is necessary will be limited to a generic statement by a health care professional – nothing more.
- 5. EMPLOYER PAYS.** Employers are responsible for any payment of the employee's out-of-pocket costs associated with providing documentation.
- 6. LITIGATION NIGHTMARE.** The Act assumes the employee's side for unfavorable personnel actions, putting employers in a position of having to defend their decisions in court.
- 7. FINES & FEES.** Remedies available to employees include reinstatement, attorney fees and all back pay and benefits (doubled as liquidated damages).
- 8. COVERS ALL EMPLOYEES.** Leave is available to exempt employees, temps, and independent contractors.
- 9. USE OF TIME.** Leave time can be used in the smallest increment that the employer's payroll system uses to account for absences.
- 10. CARRY-OVER OF TIME.** Employees can carry over sick time from year to year.

The Michigan Legislature recently adopted the 2018 paid sick leave ballot proposal, thus removing the issue from the General Election ballot.

The combined effect of the Mandatory Paid Sick Leave Act is that employees will have 72 hours per year of paid time off that they can use intermittently and without any practical restrictions. However, the impact on employers is far broader.

Lawmakers have promised to thoroughly review and consider amendments to make the policy workable for employers and employees alike.

### WE WANT TO HEAR FROM YOU!

How do you think the Mandatory Paid Sick Leave Act should be amended?

Contact Wendy Block at  
wblock@michamber.com or  
(517) 371-7678.

