# INITIATION OF LEGISLATION

A petition to initiate legislation to enact the Earned Sick Time Act. This initiative law would provide workers with the right to earn sick time for personal or family health needs, as well as purposes related to domestic violence and sexual assault and school meetings needed as a result of a child’s disability, health, or issues due to domestic violence and sexual assault; specify the conditions for accruing and using earned sick time; and prohibit retaliation against an employee for requesting, exercising, or enforcing rights granted in this act; prescribe powers and duties of certain state departments, agencies, and officers; provide for promulgation of rules; and provide remedies and sanctions.

The proposed legislation is to be voted on at the General Election, November 6, 2018.

FOR THE FULL TEXT OF THE PROPOSED LEGISLATION SEE THE REVERSE SIDE OF THIS PETITION.

We, the undersigned qualified and registered electors, residents in the county of ___________ County, State of Michigan, respectively petition for initiation of legislation.

**WARNING**—A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

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<tr>
<th>INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE</th>
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<th>STREET ADDRESS OR RURAL ROUTE</th>
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**CERTIFICATE OF CIRCULATOR**

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the circulator was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided. Each circulator sign on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition executed by the circulator and agrees that legal process served on the secretary of state or a designated agent of the secretary of state has the same effect as if personally served on the circulator.

**WARNING**—A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

Paid for with regulated funds by Mi Time to Care P.O. Box 1502, Royal Oak, MI 48068.

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**CIRCULATOR**—Do not sign or date certificate until after circulating petition.

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<td>Printed Name of Circulator</td>
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Complete Residence Address (Street and Number or Rural Route) Do Not Enter a Post Office Box

City or Township, State, Zip Code

County of Registration, if Registered to Vote, of a Circulator Who is not a Resident of Michigan
INITIATION OF LEGISLATION

An initiation of legislation to provide workers with the right to earn sick time for personal or family health needs, as well as purposes related to domestic violence and sexual assault and school meetings needed as the result of a child's disability, health issues or issues due to domestic violence and sexual assault; to specify the conditions for accruing and using earned sick time; to prohibit retaliation against an employee for requesting, exercising, or enforcing rights granted in this act; to prescribe powers and duties of certain state departments, agencies, and offices; to provide for promulgation of rules; and to provide remedies and sanctions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act shall be known and may be cited as the "earned sick time act."

Sec. 2. As used in this act:
(a) "Department" means the department of licensing and regulatory affairs.
(b) "Director" means the director of the department of licensing and regulatory affairs or his or her designee.
(c) "Employee" means an adult engaged in a committed relationship with another adult or a committed relationship with another adult and different-sex relationships. "Committed relationship" means one in which the employee and another individual share responsibility for a significant measure of each other's common welfare, such as any relationship between individuals of the same or different sex that is granted legal recognition by a state, political subdivision, or the District of Columbia or by a country through adoption, marriage, or a similar legal practice or recognition, including, but not limited to, domestic partners, same-sex or opposite-sex partners, or cohabitants who are the parents of a child.
(d) "Domestic violence" has the same meaning as provided in section 1 of 1976 PA 388, MCL 400.1501.
(e) "Earned sick time" means time off from work that is provided by an employer to an employee, whether paid or unpaid, that can be used for the purposes provided in this act.
(f) "Employee" means an individual engaged in service to an employer in the business of the employer, except that employee does not include an individual engaged in service by the United States government.
(g) "Employer" means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, government entity, or entity that employs 1 or more individuals, except that employer does not include the United States government.
(h) "Full-time" means an employee who (1) is employed for all of the hours in a workweek or (2) is employed for at least 20 hours of paid or unpaid work during a workweek.
(i) A biological, adopted or foster child, stepchild, or legal ward, a child of a domestic partner, or a child to whom the employee stands in loco parentis.
(j) A biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or an employee's spouse or domestic partner or a child standing in loco parentis when the employee was a minor child.
(k) A person to whom the employee is legally married under the laws of any state or domestic partner.
(l) A grandparent.
(m) An aunt or uncle.
(n) A biological, foster, or adoptive sibling.
(o) Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
(p) "Health care professional" means any of the following:
(i) Any person licensed under federal law for the state of this act to provide health care services, including, but not limited to, nurses, doctors, and emergency room personnel.
(ii) A certified midwife.
(iii) "Ratification personnel action" means any of the following:
(I) A denial of any right guaranteed under this act.
(ii) A suspension, suspension, demotion, reduction of hours, or other adverse action against an employee or former employee for exercise of a right guaranteed under this act.
(iii) Sanctions against an employee who is a recipient of public benefits for exercise of a right guaranteed under this act.
(iv) The denial of any right guaranteed under this act to any participant in any collective bargaining proceeding, or hearing under this act.
(q) "Sexual assault" means any act that constitutes a violation of section 500b, 500c, 500d, 500e, 500f, 500g, 500h, 500i, or 500j of the Michigan penal code, 1948 PA 382, MCL 750.500b, 750.500c, 750.500d, 750.500e, 750.500f, 750.500g, and 750.500j.
(r) "Sexual harassment" means an act toward an employee for which 10 or more individuals work compensation during a given week, in determining the number of individuals performing work for compensation during a given week, all individuals performing work for compensation on a full-time, part-time, or temporary basis shall be counted, including individuals made available to work through the services of a temporary services or staffing agency or similar entity. An employee is not a small business if maintained 10 or more employees at its payors during 20 or 20 or more calendar weeks in either the current or the preceding calendar year.

Sec. 3. (1) Each employer shall provide earned sick time to each of the employer's employees in the state.
(a) Employees of a small business shall accrue a minimum of one hour of earned sick time for every 30 hours worked but shall not be entitled to use more than 40 hours of earned sick time in a year. An employer that has a small business as defined in this subsection (1) code with 20 or more employees shall provide earned sick time for at least 40 hours in a calendar year; the employee shall be entitled to use an additional 32 hours of earned sick time in that year, unless the employer selects a higher limit. Employees of a small business shall be entitled to use paid earned sick time before using unpaid earned sick time. All employees shall accrue a minimum of one hour of earned sick time for every 30 hours worked but shall not be entitled to use more than 72 hours of earned sick time per year, unless the employer selects a higher limit. Earned sick time shall carry over from year to year, but a small business is not required to permit an employee to use more than 40 hours of paid earned sick time in a calendar year, and other employers are not required to permit an employee to use more than 72 hours of paid earned sick time in a calendar year.
(b) Earned sick time as provided in this act shall be accrued on the effective date of this law, or upon commencement of the employee's employment, whichever is later. An employee may use earned sick time for all purposes as is accrued, except that an employer may require an employee to hire after April 1, 2019, to wait until the ninetyninth calendar day after commencing employment. An employer that fails to offer earned sick time.
(c) For the purpose of this act, "paid leave" shall be paid leave under any plan that is written and has been adopted by an employer, or an employer who is exempt from overtime requirements under section 13a(1) of the Fair Labor Standards Act, 29 USCS 213(a)(1), is assumed to work 40 hours in each workweek unless the employee's normal work week is less than 40 hours, in which case earned sick time accrues based on his or her normal workweek.
(d) An employer other than a small business in compliance with this section if the employer provides any paid leave in all at the same amounts as provided under this act that may be used for the same purposes and under the same conditions provided in this act and that is accrued at a rate equal to or greater than the rate described in subsection (3) code with 20 or more employees shall provide paid leave to each employee at the same amounts as that provided under this act that may be used for the same purposes and under the same conditions provided in this act and that is a rate equal to or greater than the rate described in subsections (1) and (2) provided further that that employees of the small business are entitled to use paid sick time before using unpaid earned sick time. For purposes of this subsection, "paid leave" includes but is not limited to paid vacation days, personal days, and paid time off.
(e) An employer shall pay each employee using earned sick time paid at a rate equal to the greater of either the normal hourly wage for that employee or the minimum wage established under the workforce opportunity wage act, 2014 PA 138, MCL 408.414, but not less than the minimum wage established in section 4 of the workforce opportunity wage act, 2014 PA 138, MCL 408.414. For any employee whose hourly wage is less than the minimum wage, the employee's normal hourly wage means the average hourly wage of the employee in the pay period immediately prior to the pay period in which the employee used earned sick time. An employer that fails to offer earned sick time for use earned sick time.
(f) If the employer failed to use earned sick time as described in subsection (1), the employer may request advance notice, not to exceed 7 days prior to the date the earned sick time is to begin, of the intent to use the earned sick time. If the employee's need for the earned sick time is not foreseeable, an employer may require the employee to give notice at the time the employee requests the earned sick time.
(g) Earned sick time may be used in the smaller of hourly increments or the smallest increment that the employee's payroll system uses to account for absences or time.
(h) An earned sick time of more than 3 consecutive days, an employer may require reasonable documentation that the earned sick time has been used for a purpose described in subsection (1). Upon the employer's request, the employer shall provide the documentation to the employer in 20 or more calendar weeks. An employee shall be required to submit the documentation.
(h) If the earned sick time is not used within the time specified in subsection (8), the employer shall not delay the commencement of earned sick time on the basis that the employer has not yet received documentation. Documentation signed by a health care provider indicating that earned sick time is necessary is reasonable documentation for purposes of this subsection. In cases of domestic violence or sexual assault, one of the following types of documentation selected by the employer be considered reasonable: (a) a police report indicating that the employee or the employee's family member was a victim of domestic violence or sexual assault; (b) a signed statement from a victim and witness advocate affirming that the employee or employee's family member is receiving services from a victim services organization; or (c) a court document indicating that the employee or employee's family member is receiving services from a victim services organization.
INSTRUCTIONS: Use this form for the initial filing of a petition with the Board of State Canvassers, or when filing an amended petition with the Board of State Canvassers, for approval as to form.

PRINTER’S AFFIDAVIT

I, Mitchell D McNamara, being duly sworn, depose and say:

1. That I prepared the attached petition proof.

2. That the size of the petition is 8.5 inches by 14 inches.

3. That the heading of the petition is presented in the following form and printed in capital letters 8-point boldface type:

INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
or
INITIATION OF LEGISLATION
or
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION

4. That the words, "We, the undersigned qualified and registered electors . . ." are printed in 8-point type.

5. That the two warning statements and language contained therein are printed in 12-point boldface type.

6. That the words, "CIRCULATOR – Do not sign or date . . ." are printed in 12-point boldface type.

7. That the balance of the petition is printed in 8-point type.

8. That the font used in the petition is Helvetica.

9. That to the best of my knowledge and belief the petition conforms to the petition form standards prescribed by Michigan Election Law and the Secretary of State.

__________________________
Printed Name

__________________________
Name of Proposal

__________________________
Notary Public, State of Michigan, County of Ingham
Acting in the County of Eaton (where required).
Subscribed and sworn to (or affirmed) before me on this 11 day of August, 2017.
by Mitchell D McNamara

__________________________
Name of Affiant

__________________________
Signature of Notary Public