

OVERVIEW

- Michigan's Paid Medical Leave Act applies to employers with 50 or more employees. Employers with less than 50 employees are exempt from this act.
- An eligible employee is allowed a minimum of 40 paid medical leave hours each benefit year.
- Employees must use paid medical leave in 1-hour blocks unless the employer has a different increment policy written in an employee handbook or other employee benefits document.
- An employer is not required to provide financial or other reimbursement to an employee for paid medical leave the employee has accrued at the time termination, resignation, retirement, or other separation from employment.
- An employer shall pay each employee using paid medical leave at a pay rate equal to the greater of either the normal hourly wage for that employee or the minimum wage established under the Improved Workforce Opportunity Wage Act.
- An eligible employee must follow the employers' policy for requesting paid medical leave.

FAMILY MEMBERS RECOGNIZED

The law allows employees to use paid medical leave in connection with the following family members:

- A biological, adopted, or foster child, stepchild, or legal ward; or a child of whom the eligible employee is in legal place of parent.
- A biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an eligible employee; an eligible employee's spouse; or an individual who stood in legal place of a parent when the eligible employee was a minor/child.
- An individual to whom the eligible employee is legally married.
- A grandparent.
- A grandchild.
- A biological, foster, or adopted sibling.

ENFORCEMENT

If the employer violates this act, payment of the paid medical leave improperly withheld will be requested and penalties may be imposed. An employer who fails to provide paid medical leave is subject to a fine of not more than a \$1,000.00.

Complaints may be filed online within 6 months of the violation at:

www.michigan.gov/wageclaim

OTHER MICHIGAN LABOR LAWS

In addition to the Paid Medical Leave Act, the Wage and Hour Division also administers:

Michigan Minimum Wage Law (MWL)

PA 337 of 2018, the Improved Workforce Opportunity Wage Act, as amended, establishes the minimum wage including subminimum wage rates for certain employees, overtime pay, and recordkeeping and equal pay standards.

Payment of Wages and Fringe Benefits

PA 390 of 1978, as amended, establishes the time and manner for payment of wages and fringe benefits.

Youth Employment Standards Act (YESA)

PA 90 of 1978, as amended, provides regulations when employing minors in the State of Michigan.

Human Trafficking Notification Act

PA 62 of 2016, requires the posting of certain notices relating to human trafficking by certain entities.

This brochure is intended for general information only. It does not include all the provisions of Act 338, Public Act of 2018.

LEO is an equal opportunity employer/program. Auxiliary aids, services, and other reasonable accommodations are available upon request to individuals with disabilities. Call (517) 284-7800 to make your needs known to this agency.

WHD 9804 2/2021
Copies 10,000 at \$0.18 per copy

Michigan's Paid Medical Leave



MICHIGAN DEPARTMENT OF
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OPPORTUNITY

WAGE & HOUR

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WORKERS NOT COVERED BY PAID MEDICAL LEAVE ACT

An eligible employee does not include:

- Executive, administrative, and professional overtime exempt employees.
- Employees covered by a private collective bargaining agreement that is in effect.
- Employees of the United States government, another state, or a political subdivision of another state.
- Individuals whose primary work location is not in the State of Michigan.
- Individuals employed by an employer for 25 weeks or fewer in a calendar year for a job scheduled for 25 weeks or fewer.
- Individuals who worked, on average, fewer than 25 hours per week during the immediately preceding calendar year.
- Individuals 16-19 years of age being paid the youth training wage in accordance with the Improved Workforce Opportunity Wage Act.
- Temporary employees as described in the Michigan Employment Security Act.
- Variable hour employees as defined by 26 CFR 54.4980H-1.
- Employees covered by the Railway Labor Act and Railroad Unemployment Insurance Act.

PAID MEDICAL LEAVE USAGE

Employees may take paid medical leave for any of the following:

- An eligible employee's or an employee's family member's:
 - ◊ Mental or physical illness, injury, or health condition.
 - ◊ Medical treatment, care, or diagnosis.
 - ◊ Preventative care.
- If an eligible employee or their family member is a victim of domestic violence or sexual assault, time needed for their:
 - ◊ Medical care.
 - ◊ Psychological or other counseling for physical or psychological injury or disability.
 - ◊ Obtaining services from a victim services organization.
 - ◊ Relocation due to domestic violence or sexual assault.
 - ◊ Obtaining legal services.
 - ◊ Participating in any civil or criminal proceedings related to the domestic violence or sexual assault.
- For closure of the eligible employee's primary workplace by order of a public official due to a public health emergency.
- The need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency.
- If health authorities or a healthcare provider have determined that the employee or their family member's presence in the community could harm others due to their exposure to a communicable disease.

PAID MEDICAL LEAVE ACCRUAL

An employer can select from 1 of 3 paid medical leave accrual options, those are:

1. A minimum of 1 hour of paid medical leave for every 35 hours worked. HOWEVER, an employer is not required to:
 - Allow an eligible employee to receive more than 1 hour of paid medical leave in a calendar week.
 - Allow an eligible employee to use more than 40 hours of paid medical leave in a single benefit year.
 - Let employees carry over more than 40 hours of unused paid medical leave from one benefit year to the next.

An employer may limit an eligible employee's accrual of paid medical leave to not less than 40 hours per benefit year.

2. At least 40 hours of paid medical leave to an eligible employee frontloaded at the beginning of a benefit year.
 - For eligible employees hired during a benefit year an employer may prorate frontloaded paid medical leave.
 - An employer is not required to let the paid medical leave carry over to another benefit year.
3. An employer can provide at least 40 hours of paid leave to an eligible employee each benefit year provided it can be used for purposes identified in the act. Paid leave includes, but is not limited to, paid vacation days, paid personal days, and paid time off. It does not have to be explicitly labeled as medical leave.