

MLA Advocacy - December 21, 2018



Special Lane Duck Update: What passed, what died and what is still in question.

At 4:30 a.m. this morning the House was still in session passing bills. They started at 10:00 a.m. on Thursday. The Senate adjourned at 8:18 a.m. after their marathon session. The 2018 legislative year and contentious lame duck session is finally over. We'll be watching for any legislation that may have passed in the dark of night as legislators finished up work on their final bills.

NARCAN Bills Die

MLA supported bills SB 828 and 829 offering liability protection for libraries when providing the life-saving opioid antidote naloxone, common brand name Narcan, to an overdosing patron stalled on the Senate floor as Sen. Meekhof refused to take up the bill sponsored by Sen. Jones. This is an extremely disappointing display of political shenanigans. We will see the bills reintroduced in January and will work to fast track them to the governor's desk early in 2019.

Ballot Election Dates Remain the Same

HB 6562 the bill that would move ballot elections from August to June did not move in lame duck.

Sick Leave and Minimum Wage Bills See Major Changes

Outgoing Gov. Rick Snyder signed two bills that gut citizen-initiated laws to raise Michigan's minimum wage and require employers to offer paid sick leave. Following are the details as we currently understand them.

[Senate Bill 1175](#) will allow employees to accrue leave time immediately and be able to use it within 90 days. Employees will be able to accrue one hour of leave time for every 35 hours worked, rather than for every 30 hours worked as the citizen-initiated proposal would have allowed. And employers must offer up to 40 hours of sick leave per year, rather than 72 hours in

the law as originally drafted.

One of the biggest changes from the citizen version is that the sick leave law will not apply to businesses with fewer than 50 employees.

Minimum Wage Changes

[Senate Bill 1171](#) as signed into law will raise Michigan's minimum wage from \$9.25 this year to \$9.45 on Jan. 1, 2019. The full minimum wage will rise to \$12.05 in 2030. The bill, sponsored by State Sen. Dave Hildenbrand, R-Lowell, also restores the tipped wage paid to workers who collect tips as part of their jobs. The tipped wage currently is 38 percent of the full minimum wage, or \$3.52 per hour. That generally applies to restaurant servers.

Current minimum wage for 2018, \$9.25.

- In calendar year 2019, \$9.45.
- In calendar year 2020, \$9.65.
- In calendar year 2021, \$9.87.
- In calendar year 2022, \$10.10.
- In calendar year 2023, \$10.33.
- In calendar year 2024, \$10.56.
- In calendar year 2025, \$10.80.
- In calendar year 2026, \$11.04.
- In calendar year 2027, \$11.29.
- In calendar year 2028, \$11.54.
- In calendar year 2029, \$11.79.
- In calendar year 2030, \$12.05.

Following are additional details about the new law. There may be sections that apply to part time or temporary workers that you should review. We will work to provide additional clarification in the future. Source: <https://www.michamber.com/paid-sick-leave-summary>

- Only applies to employers who employ 50 or more employees.
- Time begins to accrue on the effective date or date of hire, but the employer may allow new employees to wait 90 days before using their time.
- Exempts employees exempt from FLSA overtime requirements, private sector employees covered by a collective bargaining agreement, temporary workers, employees who work in other

states, independent contractors, variable hour employees, certain part-time and seasonal employees and flight deck, cabin crew and railroad workers. (Note: Part-time is defined as an individual who has worked, on average, fewer than 25 hours/week during the preceding calendar year. Seasonal employee is defined as an individual employed by an employer for 25 weeks or less in a calendar year for a job scheduled for 25 weeks or fewer.)

- The law specifies employees would accrue 1 hour of paid sick leave for every 35 hours worked, up to 40 hours per year. Allows employer to limit accrual to 1 hour per week. An employer is not required to allow an eligible employee to use more than 40 hours of paid sick leave in a single benefit year or to carry over more than 40 hours of time from one benefit year to another.
- Employers may provide all 40 hours at the start of a benefit year to avoid carry-over. Can pro-rate time for new employees.
- The law creates a rebuttable presumption that an employer is in compliance with the law if the employer provides the requisite hours annually. This time can include, paid vacation days, personal days and paid time off.
- The law specifies time may be used in 1-hour increments unless the employer has a different increment policy and that policy is in writing in an employee handbook.
- The law requires the employer to pay at a pay rate equal to the greater of either the normal hourly wage, the base wage or the applicable minimum wage rate. An employer is not required to include overtime pay, holiday pay, bonuses, commissions, supplemental pay, piece-rate pay or gratuities in the calculation.
- Regarding documentation: The law strikes the language in the original Act and replaces it with a provision allowing the employer to require the employee to comply with the employer's usual and customary notification, procedural and documentation requirements. Employer must give the employee three days to produce any required documentation.
- The law strikes the language in the original Act and creates an administrative process for employees to lodge complaints. The Department must issue a determination upon conclusion of an investigation and inform the employer of its appeals rights. The Department may assess payment of medical leave and back-pay and will serve as the trustee.
- The law ensures employees are aware of their rights and able to seek relief if they've been affected by a violation.

Campaign Finance Bills Die

The poster child piece of legislation that opponents have held up as taking power away from an incoming Democratic executive, Sen. Dave Robertson's "Fair Political Practices Commission," did not pass. [SB 1250](#) and four other companion bills that put campaign finance enforcement activities into the hands of a six-person commission of partisans were not taken up by the House Elections and Ethics Committee.

Snyder Signs Line 5 Tunnel Bill □

Gov. Rick Snyder signed legislation creating a new authority to oversee the construction of a

utility tunnel for the Line 5 pipeline under the Mackinac Straits. The Sen. Tom Casperson (R-Escanaba) bill SB 1197 passed a House committee Tuesday morning and was passed by the full chamber before lunch.

Snyder announced that he had appointed three members to the new tunnel authority -- Geno Alessandrini (who resigned from the post and was replaced by former Natural Resources Commissioner J.R. Richardson), Tony England and Michael Zimmer.

By the end of the year, this new commission is charged with striking a deal with Enbridge on the construction of a tunnel that will encase the portion of Enbridge's light crude pipeline that currently cross the bottomlands of the Mackinac Straits.

The Museum and Library Services Act Has Passed

On December 19, during the last full week the 115th Congress was in session and after an 11th-hour threat to stall the bill, the Museum and Library Services Act (MLSA), S. 3530-legislation to reauthorize the federal Institute of Museum and Library Services (IMLS)-passed 331-28 in the House. The Senate had passed the bill on December 4. [Read more](#)

Please take a moment to [thank your representative and senators](#) for renewing their commitment to libraries across the country by passing this important bill.

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