

CLIENT ALERTS

Michigan Supreme Court to Consider Requests Regarding the Constitutionality of the new Paid Medical Leave Act and Changes to the Minimum Wage

4.4.2019

Changes may be on the way for Michigan's new Paid Medical Leave Act ("PMLA") and the amendments to the minimum wage rate, depending on an anticipated ruling from the Michigan Supreme Court. The PMLA and the amendments to Michigan's minimum wage went into effect on March 29, 2019. The PMLA and the minimum wage amendments trace their origin to ballot initiatives which would have been on the November 2018 ballot for a decision by Michigan voters.

On September 5, 2018, however, the Michigan Legislature enacted the predecessor to the PMLA (called the Earned Sick Time Act) and the amendments to the minimum wage, which had the effect of removing both measures from the November ballot. After the election, the Legislature substantially amended the Earned Sick Time Act and renamed it as the PMLA. The PMLA reduced employers' paid sick leave obligations which would have existed under the Earned Sick Time Act, completely exempted employers with less than 50 employees from the Act altogether and eliminated the anti-retaliation provisions of the initiative act, among other things. The Legislature also amended the changes to the minimum wage by, among other things, phasing in increases to the minimum wage over a much longer period of time.

As we explained in a previous alert, supporters of the original Earned Sick Time Act and the amendments to the minimum wage law contend that the Legislature's actions were unconstitutional. In February 2019, the Legislature requested that the Michigan Supreme Court issue an advisory opinion on the constitutionality of the PMLA and the revisions to the minimum wage amendment.

Related Services

Labor and Employment

CLIENT ALERTS

On April 3, 2019, the Michigan Supreme Court scheduled oral argument on the Legislature's request for July 17, 2019. The Supreme Court will ultimately decide (i) whether it should issue an advisory opinion; (ii) if so, whether the Michigan Constitution permits the Legislature to enact a ballot initiative into law and then amend the law during the same legislative session; and (iii) whether the PMLA and the revisions to the minimum wage amendment were enacted in accordance with the Michigan Constitution. [Click here](#) to read the order.

If the Michigan Supreme Court issues an advisory opinion that the Legislature's actions were permitted by the Michigan Constitution, then the new laws will remain in place. However, if the Michigan Supreme Court concludes that the Legislature's actions were not permitted by the Constitution, the original versions of the ballot initiatives would become law. If this happens, it will have a significant impact on all Michigan employers.

We will keep you posted on these important developments. In the meantime, please contact your Butzel Long employment attorney to discuss strategies for complying with potential changes to the PMLA and the minimum wage.

Brett Rendeiro

248.258.1312

rendeiro@butzel.com