

HOUSE BILL No. 4223

February 19, 2015, Introduced by Rep. Kosowski and referred to the Committee on
Commerce and Trade.

A bill to provide for adoption leave from employment; to
prescribe the conditions for taking that leave; to prohibit
retaliation; and to prescribe remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "adoption leave act".

3 Sec. 3. As used in this act:

4 (a) "Adoption leave" means paid time off from work to allow an
5 employee time to care for a newly adopted child.

6 (b) "Employee" means a person who works for an employer under
7 an express or implied contract of hire, but does not include an
8 independent contractor.

9 (c) "Employer" means an individual, partnership, corporation,

1 association, or other business entity that employs 50 or more
2 employees and includes this state and a unit of local government.

3 Sec. 5. An employer shall allow 2 consecutive weeks of
4 adoption leave to an employee if all of the following condition are
5 met:

6 (a) The employee has been employed by the employer for at
7 least 12 months and for at least 1,250 hours during the immediately
8 preceding 12 months.

9 (b) The employee is the adoptive parent of a child newly
10 placed for adoption by the department of health and human services
11 or by a child placing agency as defined in section 1 of 1976 PA
12 116, MCL 722.111, and the employee uses the adoption leave to care
13 for that child.

14 (c) The employee notifies the employer of the intent to use
15 the leave as soon as practicable after the need for the employee to
16 use adoption leave becomes apparent.

17 Sec. 7. The employer may require an employee who gives notice
18 under section 5(c) to provide supporting information regarding the
19 employee's eligibility for leave under this act.

20 Sec. 9. (1) An employer shall continue to provide existing
21 fringe benefits to an employee during adoption leave, and the
22 employee is responsible for the same proportion of the cost of
23 those benefits as the employee paid before the leave period.

24 (2) Upon the employee's return to work from adoption leave,
25 the employer shall restore the employee to his or her position or
26 to a position with at least equivalent seniority, benefits, pay,
27 and other terms and conditions of employment.

1 Sec. 11. (1) An employer shall not interfere with, restrain,
2 or deny the exercise or attempted exercise of a right provided
3 under this act.

4 (2) An employer shall not discharge, fine, suspend, expel,
5 discipline, or discriminate against an employee with respect to any
6 term or condition of employment because of the employee's actual or
7 potential exercise, or support for another employee's exercise, of
8 any right under this act. This subsection does not prohibit an
9 employer from taking employment action that is independent of the
10 exercise of a right under this act.

11 (3) An employer shall not deprive an employee who takes
12 adoption leave of any employment benefit that accrued before the
13 date that the adoption leave begins.

14 Sec. 13. This act does not affect an employer's obligation to
15 comply with any collective bargaining agreement, employee benefit
16 plan, or other law that provides greater leave rights to employees
17 than provided under this act.

18 Sec. 15. (1) An employer shall not require an employee to
19 waive rights under this act.

20 (2) An employee's rights under this act cannot be waived or
21 diminished under a term in a collective bargaining agreement or
22 employee benefit plan that takes effect after the effective date of
23 this act.

24 Sec. 17. An individual aggrieved by a violation of this act
25 may bring an action in the circuit court to enjoin the violation or
26 for any other relief necessary to secure a right under this act.

27 Enacting section 1. This act takes effect 90 days after the

1 date it is enacted into law.