

# HOUSE BILL No. 5540

February 8, 2018, Introduced by Reps. Santana, Chirkun, Cochran, Love, Pagan, Camilleri, Byrd, Durhal, Ellison, Elder, Hammoud, Sowerby, Clemente, Lucido, Dianda, Peterson, Inman, Howrylak, Singh, Wittenberg, Chang, Geiss and Yaroch and referred to the Committee on Michigan Competitiveness.

A bill to amend 1978 PA 390, entitled

"An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,"

by amending section 8 (MCL 408.478).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 8. (1) ~~An~~**EXCEPT AS OTHERWISE PROVIDED IN THIS**  
2 **SUBSECTION, AN** employer, agent or representative of an employer, or  
3 other person having authority from the employer to hire, employ, or  
4 direct the services of other persons in the employment of the  
5 employer shall not demand or receive, directly or indirectly from  
6 an employee, a fee, gift, tip, gratuity, or other remuneration or  
7 consideration, as a condition of employment or continuation of

1 employment. This subsection does not apply to ~~fees~~ **EITHER OF THE**  
2 **FOLLOWING:**

3 (A) **FEES** collected by an employment agency licensed under the  
4 laws of this state.

5 (B) **SUBJECT TO SUBSECTION (3), THE FOLLOWING REMUNERATION OR**  
6 **CONSIDERATION COLLECTED BY A LAW ENFORCEMENT AGENCY UNDER A SIGNED**  
7 **LOAN FORGIVENESS AGREEMENT ENTERED INTO ON OR AFTER THE EFFECTIVE**  
8 **DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION:**

9 (i) **IF THE EMPLOYEE VOLUNTARILY LEAVES EMPLOYMENT WITH THE LAW**  
10 **ENFORCEMENT AGENCY WITHIN 1 YEAR AFTER THE DATE THE EMPLOYEE'S LAW**  
11 **ENFORCEMENT TRAINING ACADEMY ENDED, 100% OF THE COST OF THE LAW**  
12 **ENFORCEMENT TRAINING ACADEMY.**

13 (ii) **IF THE EMPLOYEE VOLUNTARILY LEAVES EMPLOYMENT WITH THE**  
14 **LAW ENFORCEMENT AGENCY MORE THAN 1 YEAR BUT LESS THAN 2 YEARS AFTER**  
15 **THE DATE THE EMPLOYEE'S LAW ENFORCEMENT TRAINING ACADEMY ENDED, 75%**  
16 **OF THE COST OF THE LAW ENFORCEMENT TRAINING ACADEMY.**

17 (iii) **IF THE EMPLOYEE VOLUNTARILY LEAVES EMPLOYMENT WITH THE**  
18 **LAW ENFORCEMENT AGENCY 2 YEARS OR MORE BUT LESS THAN 3 YEARS AFTER**  
19 **THE DATE THE EMPLOYEE'S LAW ENFORCEMENT TRAINING ACADEMY ENDED, 50%**  
20 **OF THE COST OF THE LAW ENFORCEMENT TRAINING ACADEMY.**

21 (iv) **IF THE EMPLOYEE VOLUNTARILY LEAVES EMPLOYMENT WITH THE**  
22 **LAW ENFORCEMENT AGENCY 3 YEARS OR MORE BUT LESS THAN 4 YEARS AFTER**  
23 **THE DATE THE EMPLOYEE'S LAW ENFORCEMENT TRAINING ACADEMY ENDED, 25%**  
24 **OF THE COST OF THE LAW ENFORCEMENT TRAINING ACADEMY.**

25 (v) **IF THE EMPLOYEE VOLUNTARILY LEAVES EMPLOYMENT WITH THE LAW**  
26 **ENFORCEMENT AGENCY 4 YEARS OR MORE BUT LESS THAN 5 YEARS AFTER THE**  
27 **DATE THE EMPLOYEE'S LAW ENFORCEMENT TRAINING ACADEMY ENDED, 10% OF**

1 **THE COST OF THE LAW ENFORCEMENT TRAINING ACADEMY.**

2 (2) Except for a contribution required or expressly permitted  
3 by law or by a collective bargaining agreement, an employer shall  
4 not require an employee or a person seeking employment to  
5 contribute directly or indirectly to a charitable, social, or  
6 beneficial purpose as a condition of employment or continuation of  
7 employment.

8 (3) **A LOAN FORGIVENESS AGREEMENT UNDER SUBSECTION (1) (B) MUST**  
9 **CONTAIN THE FOLLOWING TERMS:**

10 (A) **THAT THE EMPLOYER WILL PAY THE COST OF A LAW ENFORCEMENT**  
11 **TRAINING ACADEMY REQUIRED FOR THAT EMPLOYEE TO OBTAIN A LICENSE**  
12 **UNDER THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS ACT,**  
13 **1965 PA 203, MCL 28.601 TO 28.615.**

14 (B) **THE CONDITIONS UNDER WHICH THE PAYMENT UNDER SUBDIVISION**  
15 **(A) WILL BE PROVIDED AND UNDER WHICH REPAYMENT TO THE EMPLOYER BY**  
16 **THE EMPLOYEE OR ANOTHER PERSON MAY BE REQUIRED.**

17 (4) **AS USED IN THIS SECTION:**

18 (A) **"LAW ENFORCEMENT AGENCY" MEANS THAT TERM AS DEFINED IN**  
19 **SECTION 2 OF THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS**  
20 **ACT, 1965 PA 203, MCL 28.602.**

21 (B) **"LAW ENFORCEMENT TRAINING ACADEMY" MEANS THAT TERM AS**  
22 **DEFINED IN SECTION 2 OF THE MICHIGAN COMMISSION ON LAW ENFORCEMENT**  
23 **STANDARDS ACT, 1965 PA 203, MCL 28.602.**

24 Enacting section 1. This amendatory act takes effect 90 days  
25 after the date it is enacted into law.