

SENATE BILL NO. 488

September 04, 2019, Introduced by Senators BULLOCK, HERTEL, ANANICH, WOJNO, BRINKS, ALEXANDER, POLEHANKI, BAYER, GEISS, MCCANN and HOLLIER and referred to the Committee on Government Operations.

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 11 (MCL 408.481).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) An employee who believes that his or her employer
 2 has violated this act may file a written complaint with the
 3 department within 12 months after the alleged violation. A
 4 complaint filed under section 13(2) ~~shall~~**must** be filed within 30
 5 days after the alleged violation occurs. ~~Bilingual~~**The department**
 6 **shall provide bilingual** complaint forms ~~shall be provided by the~~
 7 ~~department~~ in those areas where substantial numbers of non-English
 8 speaking employees are employed.

9 (2) Within a reasonable time after a complaint is filed, the
 10 department shall notify the employer, ~~and~~ investigate the claim,
 11 and ~~shall~~ attempt to informally resolve the dispute.

12 (3) If the department is unable to informally resolve the
 13 dispute, the department shall notify the employer and employee
 14 within 90 days after the complaint is filed. The notification ~~shall~~
 15 **must** include a determination of the merits of the complaint and
 16 ~~shall~~ cite the specific violation, if any, wages and fringe
 17 benefits due, and specific penalties assessed.

18 (4) The employer or employee may request a review of the
 19 department's determination within 14 days after notification is
 20 issued. If a request for a review by ~~either~~ the employer or
 21 employee is not received by the department within ~~14 days~~, **that 14-**
 22 **day period**, in the absence of a showing of good cause for a late
 23 request, the department's determination is final.

24 (5) For the purpose of an investigation or proceeding under
 25 this act, the director of ~~labor~~**the department** or an ~~authorized~~
 26 ~~representative of the director~~**his or her designee** may administer
 27 oaths and affirmations, subpoena witnesses ~~,~~**and** compel their
 28 attendance, take evidence, and require the production of records or
 29 other documents ~~which~~**that** the department considers relevant or

1 material to the inquiry.

2 (6) The employee, employer, and the department ~~shall~~**must** be
3 parties to a proceeding before a hearings officer brought pursuant
4 ~~to~~**under** this section.

5 (7) The director shall appoint hearings officers to make
6 determinations in proceedings brought ~~pursuant to~~**under** this
7 section. All proceedings in a hearing ~~shall~~**must** be conducted
8 ~~pursuant to the procedures applicable to the trial of~~**as** contested
9 cases under ~~Act No. 306 of the Public Acts of 1969, as amended,~~
10 ~~being sections 24.201 to 24.315 of the Michigan Compiled Laws.~~**the**
11 **administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to**
12 **24.328.** The hearings officer shall affirm, modify, or rescind the
13 order of the department and may assess costs as provided in section
14 18(3).

15 (8) The hearings officer shall issue a determination, which
16 ~~constitutes~~**is** a final disposition of the proceedings, to each
17 party within 30 days after the conclusion of the hearing. The
18 determination of the hearings officer ~~shall become~~**becomes** the
19 final ~~agency~~**department** order upon receipt by the parties.

20 (9) A party to the proceeding may obtain judicial review ~~of~~
21 ~~the determination of the hearings officer~~**officer's determination**
22 ~~pursuant to Act No. 306 of the Public Acts of 1969, as amended.~~**the**
23 **administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to**
24 **24.328.** Venue for an appeal under this act ~~shall~~**is proper** only be
25 in the circuit where the employee is a resident, ~~where~~
26 employment occurred, or ~~where~~ the employer has a principal place of
27 business.

28 (10) If requested by an employee who files a complaint against
29 an employer under this section, the department shall, to the extent

1 allowed by law, not disclose to the employer the identity of the
2 employee.