

HOUSE BILL NO. 5905

August 13, 2024, Introduced by Rep. Jaime Greene and referred to the Committee on Labor.

A bill to prohibit an employer from discriminating against, disciplining, or discharging an employee who is absent from work to respond to an emergency as an emergency responder; and to provide remedies for a violation of this act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "emergency responder
2 employment protection act".

3 Sec. 2. As used in this act:

4 (a) "Emergency responder" means an individual who is required

1 to possess a license, certificate, permit, or other official
2 recognition for the individual's expertise in a particular field or
3 area of knowledge, whose assistance in that field or area is
4 utilized or is desirable during an emergency, and who provides that
5 assistance during emergencies on a volunteer or paid on-call basis.
6 Emergency responder includes, but is not limited to, emergency
7 medical services personnel; physicians; nurses; mental health,
8 veterinary, or other public health practitioners; emergency
9 management personnel; public works personnel; and firefighters,
10 including, but not limited to, firefighters trained in the areas of
11 hazardous materials, specialized rescue, extrication, water rescue,
12 or other specialized area. Emergency responder does not include law
13 enforcement officers or other law enforcement personnel.

14 (b) "Employee" means an individual who receives wages or
15 remuneration for providing services to an employer.

16 (c) "Employer" means a person that provides wages or
17 remuneration to 1 or more individuals who perform services for the
18 employer under an express or implied contract of hire.

19 Sec. 3. (1) Subject to subsection (2), an employer shall not
20 discriminate against, discipline, or discharge an employee for any
21 of the following reasons:

22 (a) The employee is an emergency responder.

23 (b) The employee is absent from work and all of the following
24 conditions are met:

25 (i) One of the following conditions is met:

26 (A) The employee is absent for the purpose of responding as an
27 emergency responder to an emergency that began before the start of
28 the shift for which the employee is absent.

29 (B) The employee is absent for the purpose of responding as an

1 emergency responder to an emergency that occurs during the
2 employee's shift, is located within the emergency response
3 jurisdiction, and is not more than 15 miles from the location of
4 the employee's shift.

5 (ii) The employee provides the employer with verification of
6 the emergency need for the employee's service.

7 (iii) The employee's absence does not create a workplace safety
8 concern or endanger the life or property of another person.

9 (2) This act does not do any of the following:

10 (a) Prohibit an employer from treating the time the employee
11 is absent under subsection (1)(b) as paid time off or unpaid time
12 off.

13 (b) Prohibit an employer from complying with a collective
14 bargaining agreement or employee benefit plan entered into before
15 the effective date of this act.

16 (3) Not later than 30 days after the effective date of this
17 act, the date of employment, or the date of a change in an
18 employee's status as an emergency responder, whichever is latest,
19 the employee shall notify the employee's employer of the employee's
20 status as an emergency responder.

21 (4) An employee who is an emergency responder shall provide to
22 the employee's employer 2 times each year, or at the request of the
23 employer, documentation that indicates that the employee is an
24 emergency responder.

25 (5) An employee or former employee may bring a civil action
26 for damages or equitable relief to enforce this act.