

# The MI Supreme Court's Decision on Mandatory Paid Sick Leave

## Top Things Employers Need to Know

### 1. NO EXEMPTIONS.

Paid sick leave must be expanded to all employees – full-time, part-time and seasonal. There are no exemptions for employers with existing paid leave policies or small employers. All employers will need to adjust their policies.

### 2. NO NOTIFICATION.

Requires employees to submit leave time notifications “as soon as practicable.” In practice, this will provide employees 72 hours of no-notice, intermittent leave time each calendar year.

### 3. LIMITS DOCUMENTATION.

An employer can only require documentation after three consecutive leave days and, even then, the employee only has to offer a generic statement by a health care professional – nothing more.

### 4. EMPLOYER PAYS.

Employers are responsible for paying the employee's out-of-pocket costs associated with providing documentation.

### 5. LITIGATION NIGHTMARE.

The Act allows employees to sue businesses and assumes the employee's side for unfavorable personnel actions, putting employers in a position of having to defend their HR decisions in court.

### 6. FINES & FEES.

Remedies available to employees include reinstatement, attorney fees and all back pay and benefits (doubled as liquidated damages).

### 7. USE OF TIME.

Leave time can be used in the smallest increment that the employer's payroll system uses to account for absences.

### 8. CARRY-OVER OF TIME.

Employees can carry over sick time from year to year.

The Michigan Supreme Court ruled in July of 2024 that a 2018 ballot initiative to mandate paid sick leave requirements should be put into effect — despite never being voted on by the people — saying the strategy the Michigan Legislature used to adopt alternative legislation violated the Michigan Constitution.

### Our Action Plan:

The Chamber is on the job for you and will continue to fight back with a two-pronged strategy:

- Compliance – We are here to help you break down your compliance obligations.
- Legislative – We are working on a strategy softening the impact of this adverse Supreme Court ruling via legislative changes.

## Questions?

Do you have questions about the changes?

Contact Wendy Block at [wblock@michamber.com](mailto:wblock@michamber.com) for assistance!




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