

EARNED SICK TIME ACT (ESTA) SET TO GO INTO EFFECT ON FEBURARY 21, 2025	CHANGES IN HOUSE BILL 4002	CHANGES IN SENATE BILL 15
Employees earn one hour for every 30 hours worked	No changes	No changes
Requires employers to pay up to a max of 72 hours of earned sick time each benefit year	No changes	No changes
Benefit year means a regular and consecutive 12-month period, as determined by an employer.	No changes	No changes
All employees in Michigan except Federal employees	Exempts independent contractors, out-of-state employees, seasonal workers (25 weeks or less) part-time (25 hours or less per week), variable hour workers, state and local government employees	No changes - leaves independent contract status ambiguous
Allows employers with 9 employees or less to allow for a max of 72 hours but are only required to pay 40 hours with 32 hours being unpaid.	Exempts small businesses with 49 employees or less from ESTA	Allows employers with 24 employees or less to allow for a max of 72 hours but are only required to pay 40 hours with 32 hours being unpaid
An employer is not a small business if it maintained 10 or more employees on its payroll during any 20 or more calendar workweeks in either the current or the preceding calendar year.	No similar definition	An employer is not a small business if it maintained 25 or more employees on its payroll during any calendar work weeks in either the current or the immediately preceding calendar year.
Employers can ask for prior notification, but cannot require it in order for an employee to use earned sick time and is prohibited from disciplining employees who do not provide notification	Allows employers to set "usual and customary notice, procedure, and documentation requirements" and take disciplinary personnel action for failure to follow.	Only allows employers with mandated staffing ratios to comply with the employers leave policy; no discipline prohibited in regard to notification for other employers

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ESTA rigid in how time is accrued, tracked, and used	Provides for flexibility by allowing employers to accure or front load at the beginning of the year - see below	Allow frontloading - see below
<i>ESTA only indicates that sick time can be earned as an individual works</i>	Accrual: Allows an employee to accrue one hour for every 30 hours worked. An employer can cap usage to 72 hours per year. An employer may pay out unused time at the end of the year to avoid carryover, but is not required to do so.	No changes
<i>Allows no frontloading of time</i>	Frontloading: Allows employers to frontload 72 hours/year. Allow proration for one year and to account for time already given if mid-benefit year. No carryover with this option. No calculation and tracking for accrual under this option.	Frontloading as an alternative to the accrual of earned sick time, a small business may provide an employee not less than 40 hours of paid earned sick time and not less than 30 hours of unpaid earned sick time at the beginning 1st of a year; an employer with 25 or more employees may provide an employee not less than 72 hours of paid earned sick time at the beginning of a year. NOTE - THIS IS IN ADDITION TO ANY VACATION OR HOLIDAYS
Unused earned sick time carries over in perpetuity with no maximum	Caps carry over at 72 hours for those employers opting for accrual; not applicable to frontloading	Caps carry over at 288 hours

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Does not allow for earned sick time hours to be paid out instead of carried over	Allows for earned sick time hours to be paid out rather than carried over for those employers opting for accrual; not applicable to frontloading	Can pay out sick time and allow cap of 144 hours to carry over
Unclear how earned sick time is tracked	Clarifies that earned sick time can be used as accrued AND accounted for in the employer's payroll system.	Unclear
Only allows earned sick time to count toward the max 72 hours	Clarifies that ANY time given (accrued or frontloaded) in a current benefit year (year one) can be counted toward the employer's compliance obligations including vacation or holidays	Only earned sick time can count toward the max 72 hours
If choosing to combine earned sick time and vacation into paid time off (PTO), all hours will be subject to the recordkeeping and regulations of ESTA including cause of action, notification requirements and record keeping	Allows employers to provide earned sick time as part of a paid time off (PTO) bank and strikes the problematic language requiring all time to be able to be used "under the same conditions" as the ESTA.	No changes
For employees paid a variable wage, the "normal hourly wage" means the average hourly wage of the employee in the pay period immediately prior to the pay period in which the employee used paid earned sick time	Clarifies how the rate of pay is calculated (normal hourly wage or base wage) and clarifies what's not included (overtime pay, holiday pay, bonuses, tips, commissions, etc.).	No changes
States that earned sick time can be used in the smaller increment of either hourly or the smallest increment that the employer's payroll system uses to account for absences or use of other time.	Defaults to one-hour increments for using earned sick time but allowing employers to select a different policy if less than one hour	Earned sick time must be used in one hour increments

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Health care providers required for documentation is broadly defined as anyone licensed by state or federal govenment to provide health care services	Narrows definition of health care providers that can issue documentation to mirror the federal Family Medical Leave Act (FMLA).	No changes
Allows employers to require documentation after 3 consecutive days off, but requires employers to pay all costs associated with obtaining the documention and does not allow a time limit for employees to provide documentation	Allows an employee 15 days to provide documentation; clarifies that the employer is only responsible for the cost of obtaining the documentation.	No changes
Does not address FMLA or ADA and whether earned sick time can run concurrent	Allows time to run concurrent to FMLA, ADA, etc.	No changes
Requires an employer to reinstate unused sick leave of an employee who is rehired after six months of separation and allows the employee to begin using the sick leave immediately	Allows for payouts at separation (and avoid reinstatement upon return). Allows the same instances of a successive employer.	No changes
Employer is prohibited from requiring a replacement worker if using earned sick time	No changes	No changes
Any disciplinary actions against employees using earned sick time, communicating with other employees regarding ESTA, filing a complaint, etc. is considered retaliory and prohibited in ESTA. Employers will be considred in violation of ESTA unless they can prove otherwise.	Preserves protections, eliminates the 90 day prohibition, and eliminates the rebuttable presumption (guilty until proven innocent)	eliminates rebuttable presumption; eliminates 90 day lanugage
Allows employees who feel their rights have been violated to directly sue employers	Removes right of action; allows for the department (LEO) to investigate, sanction, and fine	removes direct right of action, but allows for department to sue on behalf of the employee
Allows employees to file a complaint up to three years after the violation	No changes	Allows employees to file a complaint up to one year after violation

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New employees begin accruing earned sick time at time of hire, but employers are not required to allow usage until 90 days after hire	No changes	No changes
Outlines uses for earned sick time including illness of self, family members, sexual and domestic abuse	No changes	No changes