

## Issue Brief



# Earned Sick Time and Minimum Wage

## Background

The Michigan Supreme Court recently issued an opinion in *Mothering Justice v. Attorney General*, restoring the 2018 voter-initiated provisions from the *Improved Workforce Opportunity Wage Act* (“IWOWA”) and the *Earned Sick Time Act* (“ESTA”).

Because the Legislature adopted these voter-initiated measure and then immediately amended them to scaled them back, the court ruled the original adopted language must be adhered to and threw the amendments out. What this means is that the minimum wage will now be set to \$12.00/hr. for 2022; with annual increases every year thereafter based upon inflation as calculated by the State Treasury Department starting Feb. 21, 2025.

This decision also affects the Earned Sick Time Act, mandating that all employees (full-time, part-time, temporary, and seasonal) accrue sick time at a rate of 1 hour for every 30 hours worked. Employees accrue up to 72 hours of paid sick time in a year. Employees carry over any unused sick time from year to year and can use sick time for a variety of absences, not just personal illnesses.

The Act prohibits an employer from imposing requirements that an employee provide documentation unless the absence was for more than three days. The Act only requires employees to notify their employer “as soon as practicable” potentially resulting in 72 hours of no-notice, intermittent leave time. Employers are also prohibited from “front-loading” paid sick leave. Employers must allow employees to accrue paid sick leave as they work.

Common sense reforms need to be enacted in order to ensure counties have the staffing resources necessary to provide services.



## MAC’s Efforts

- MAC is closely monitoring the development of legislation seeking to amend these acts.
- No legislation has been introduced to date.
- MAC has not taken a position on potential legislation but will work with our membership to determine our position once bills have been introduced.

## Message to Lawmakers

- Counties are already facing staffing shortages in critical service delivery areas like law enforcement and jail supervision.
- If employees do not have to give adequate notice and can take time off for a variety of reasons without documentation, our staffing crisis will be exacerbated.
- Many part-time and seasonal workers will enjoy the same paid-leave provisions in the act regardless of how many hours they typically work, in -essence expanding full-time benefits to part-time workers.