

12-1-2022

## Staff Matters: What Will Be the Impact of Changes to Michigan's New Paid Sick Leave Law?

Jodi Schafer SPHR, SHRM-SCP  
HRM Services, [jodischafer@hrmservices.biz](mailto:jodischafer@hrmservices.biz)

Follow this and additional works at: <https://commons.ada.org/journalmichigandentalassociation>



Part of the [Dental Public Health and Education Commons](#), [Health and Medical Administration Commons](#), [Health Law and Policy Commons](#), [Health Policy Commons](#), [Human Resources Management Commons](#), and the [Leadership Commons](#)

---

### Recommended Citation

Schafer, Jodi SPHR, SHRM-SCP (2022) "Staff Matters: What Will Be the Impact of Changes to Michigan's New Paid Sick Leave Law?," *The Journal of the Michigan Dental Association*: Vol. 104: No. 12, Article 4. Available at: <https://commons.ada.org/journalmichigandentalassociation/vol104/iss12/4>

This Monthly Departments is brought to you for free and open access by the State & Local Dental Publications at ADACommons. It has been accepted for inclusion in The Journal of the Michigan Dental Association by an authorized editor of ADACommons. For more information, please contact [commons@ada.org](mailto:commons@ada.org).

# What Will Be the Impact of Changes to Michigan's New Paid Sick Leave Law?



By Jodi Schafer, SPHR, SHRM-SCP

**Q**uestion: I've been hearing bits and pieces of information about Michigan's new requirements on paid sick leave, but it all seems very confusing. I'm not sure what parts apply to our practice and I'm not sure what changes we need to make, if any. Can you clarify what we need to be paying attention to make sure we are complying with the law?

**Answer:** What you first need to know is that no changes are currently required. Any future updates to paid sick leave requirements would not take effect until February 2023, if at all. Let me explain the sequence of events so you can better understand how we got to this point and what may be coming down the road.

The Paid Medical Leave Act began as a 2018 ballot initiative titled the Earned Sick Time Act. However, instead of placing the issue on the ballot for vote that fall, the Michigan Legislature adopted it as law in September 2018, with a future effective date of late March 2019. Then, in December 2018, the Legislature passed amendments that changed the language in the law in several key ways, including an exemption for small employers with fewer than 50 employees from having to comply.

In January 2019, the state attorney general and members of the Legislature asserted that they thought the Legislature violated the state constitution by amending ballot-initiated laws in the same session in which they were passed. However, no further action was taken, so the amended law went into effect in March 2019. There was a subsequent legal challenge to the constitutionality of the Legislature's adopt-and-amend strategy in the following years, which

came to a head in July 2022, when the Michigan Court of Claims ruled against the Legislature, making the original ballot language of the Earned Sick Time Act current law in Michigan (eliminating the carve out for small employers).

The state of Michigan filed an appeal and requested a stay on the Court of Claims ruling to allow more time for businesses to prepare for the changes. On July 29, 2022, the Court of Claims issued a stay and moved the effective date of the changes to Feb. 19, 2023. Several efforts now are being made by business associations and others to maintain the current law, as opposed to the original ballot language. So, time will tell whether the new changes will take effect in February.

With that said, it is important to be proactive and understand what impact the changes in this law would have if it goes into effect in February 2023.

The original ballot initiative language of the Earned Sick Time Act states that any employer (other than the U.S. government) with one or more employees (full-time, part-time, temporary, seasonal) must provide all employees with paid sick time, accruing at a rate of one hour for every 30 hours worked. Employers with 10 or more employees must allow employees to use up to 72 hours of paid sick leave per year. "Small employers" with fewer than 10 employees must allow employees to use up to 72 hours of sick leave per year, but only 40 hours must be paid. Employees can carry over any

number of accrued hours from year to year; however, they are capped on how many hours can be used and paid each year as previously defined.

There are no exemptions for employers with existing paid leave policies or small employers. However, if your  
*(Continued on Page 79)*

**The Paid Medical Leave Act began as a 2018 ballot initiative titled the Earned Sick Time Act. If the new law goes into effect, almost every employer in Michigan will need to revise their current policies and consider the impact of these changes on their staffing, budget, etc.**

with computers and digital radiographs. Great staff that provides a high level of care! Building in highly visible location is available for rent or purchase. Professional appraisal by Collier & Associates. Contact [swmidds@gmail.com](mailto:swmidds@gmail.com) for more information. Brokers need not reply.

**Highly profitable general practice — Kalamazoo** — established five-op general practice collecting \$1M-plus with 50% OH. Centrally located in Kalamazoo. Low overhead. Building available. Contact Veritas Transition Group. 844-283-7482, [info@veritastg.com](mailto:info@veritastg.com).

**Buying a practice?** Peak Transitions will be your objective third party. We provide valuation, due diligence, and closing documents. Call 888-477-7325 or visit [www.peaktransitions.com](http://www.peaktransitions.com).

**Thinking about buying or selling a dental practice?** Statewide service available. Experienced, professional consultants for all of your business needs. Curt Nurenberg, CHBC, Rehmann Dental Management Advisors; 800-349-2644 or 517-316-2400.

**Don't make a mistake selling or buying.** We have buyers. Your own buyer? We can help. We offer assistance you can't get anywhere else. More dentists use us than anyone else. Call the Goldman Group, broker, at 248-333-0500.

## PRACTICE WANTED

**Looking to buy charts or transition patients from retiring dentist or dentist moving out of area.** We have an existing stable patient base and are looking to expand our office. We are located on 18 Mile and Dequindre and are looking for a practice to merge that is within three to five miles at the most of our office. Our work ethic is to be fully

## Upcoming Classified Deadlines

February 2023 .....	January 1
March 2023 .....	February 1
April 2023 .....	March 1
May 2023 .....	April 1
June 2023 .....	May 1
July 2023 .....	June 1
August 2023 .....	July 1

transparent to our patients, take care of them like our own family members, and never compromise on quality. We are a full-service general dental office with subspecialties in full-mouth reconstruction, implant dentistry, sleep apnea, and clear aligner orthodontics. We have a great relationship with specialists and refer only those procedures that we can't handle in our office, which are mostly impacted wisdom teeth and complicated or questionable endo teeth. Please call or email me if you are ready to transition or want to chat and get more info on us. I know how important the right fit is in such a step, so I don't take it lightly. My email is [dr.dardelean@gmail.com](mailto:dr.dardelean@gmail.com) or cell 248-890-9773.

## MISCELLANEOUS

**Troubled by addiction, stress, or other practice or personal problems?** Many dentists and dental team members are. But you don't have to go it alone. The MDA Member Assistance Program can help you, or your family, with personalized, 24/7 service. Visit [michigandental.org/Assistance](http://michigandental.org/Assistance) for complete details, or email [care@michigandental.org](mailto:care@michigandental.org). ●

## Place Your Ad Online

Placing your classified is easy — just visit [www.michigandental.org](http://www.michigandental.org) and click on "Jobs/Classifieds/Journal" and "Placing Classified Ads." It's a quick, safe, secure, way to place your ad and get fast results!

## Staff Matters®

*(Continued from Page 28)*

current leave policies meet or exceed the requirements outlined in the Earned Sick Time Act, then there is no need to create a new/separate bank of time. If this act goes into effect, there will also be new requirements regarding notice. Employers may not require employees to provide more than seven days' notice for use of sick time, and, for unforeseeable circumstances, employers may only require notice "as soon as is practicable." In addition, employers will only be able to require supporting documentation after three consecutive days of leave and will be responsible for any payment of the employee's out-of-pocket costs associated with providing documentation.

As you can see, if the new law goes into effect, almost every employer in Michigan will need to revise their current policies and consider the impact of these changes on their staffing, budget, etc. What you should be doing right now is reviewing your current time off policies and projecting what changes would be needed to comply with the Earned Sick Time Act if the February 2023 effective date is upheld.

Stay tuned for more updates as we get closer to February 2023. ●

*For more human resources assistance, visit [michigandental.org/Human-Resources](http://michigandental.org/Human-Resources) or email Brandy Ryan, MDA director of human resources, at [bryan@michigandental.org](mailto:bryan@michigandental.org).*

