

DRAFT 2
SUBSTITUTE FOR
HOUSE BILL NO. 4052

A bill to limit the powers of local governmental bodies regarding the regulation of terms and conditions of employment within local government boundaries for employees of nonpublic employers.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "local
2 government labor regulatory limitation act".

3 Sec. 2. The legislature finds and declares that regulation of
4 the employment relationship between a nonpublic employer and its
5 employees is a matter of state concern and is outside the express
6 or implied authority of local governmental bodies to regulate,
7 absent express delegation of that authority to the local



1 governmental body.

2 Sec. 3. As used in this act:

3 (a) "Educational institution" means any of the following:

4 (i) A school district, an intermediate school district, or a
5 public school academy as those terms are defined in sections 4 to 6
6 of the revised school code, 1976 PA 451, MCL 380.4 to 380.6.

7 (ii) A community college established under the community
8 college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or under
9 part 25 of the revised school code, 1976 PA 451, MCL 380.1601 to
10 1607.

11 (b) "Employee" means a person employed in this state by an
12 employer.

13 (c) "Employer" means a person or entity engaging in a
14 commercial activity, enterprise, or business in this state, but
15 excludes a public employer.

16 (d) "Local governmental body" means any local government or
17 its subdivision, including, but not limited to, a city, village,
18 township, county, or educational institution; a public authority,
19 agency, board, commission, or other governmental, quasi-
20 governmental, or quasi-public body; or a public body that acts or
21 purports to act in a commercial, business, economic development, or
22 similar capacity for a local government or its subdivision.

23 Sec. 4. A local governmental body shall not adopt, enforce, or
24 administer an ordinance, local policy, or local resolution
25 regulating the relationship between an employer and its employees
26 or potential employees if the regulation contains requirements
27 exceeding those imposed by state or federal law.



1 Sec. 5. A local governmental body shall not adopt, enforce, or
2 administer an ordinance, local policy, or local resolution
3 regulating information an employer or potential employer must
4 request, require, or exclude on an application for employment from
5 an employee or a potential employee.

6 Sec. 6. A local governmental body shall not adopt, enforce, or
7 administer an ordinance, local policy, or local resolution
8 requiring an employer to pay to an employee a wage higher than the
9 state minimum hourly wage rate determined under section 4 of the
10 workforce opportunity wage act, 2014 PA 138, MCL 408.414, or, if
11 applicable to the employer, the minimum wage provisions of the fair
12 labor standards act of 1938, 29 USC 201 to 219, unless those
13 federal minimum wage provisions would result in a lower minimum
14 hourly wage than provided under state law.

15 Sec. 7. A local governmental body shall not adopt, enforce, or
16 administer an ordinance, local policy, or local resolution
17 requiring an employer to pay to an employee a wage or fringe
18 benefit based on wage and fringe benefit rates prevailing in the
19 locality. This section does not apply to state projects subject to
20 1965 PA 166, MCL 408.551 to 408.558.

21 Sec. 8. A local governmental body shall not adopt, enforce, or
22 administer an ordinance, local policy, or local resolution
23 regulating work stoppage or strike activity of employers and their
24 employees or the means by which employees may organize.

25 Sec. 9. A local governmental body shall not adopt, enforce, or
26 administer an ordinance, local policy, or local resolution
27 requiring an employer to provide to an employee paid or unpaid



1 leave time.

2 Sec. 10. A local governmental body shall not adopt, enforce,
3 or administer an ordinance, local policy, or local resolution
4 regulating hours and scheduling that an employer is required to
5 provide to employees.

6 Sec. 11. A local governmental body shall not adopt, enforce,
7 or administer an ordinance, local policy, or local resolution
8 requiring an employer or its employees to participate in any
9 educational apprenticeship or training program.

10 Sec. 12. A local governmental body shall not adopt, enforce,
11 or administer an ordinance, local policy, or local resolution
12 requiring an employer to provide to an employee any specific fringe
13 benefit or any other benefit for which the employer would incur an
14 expense, including, but not limited to, those enumerated in
15 sections 7 to 11.

16 Sec. 13. A local governmental body shall not adopt, enforce,
17 or administer an ordinance, local policy, or local resolution
18 regulating or creating administrative or judicial remedies for
19 wage, hour, or benefit disputes, including, but not limited to, any
20 benefits enumerated in sections 7 to 12.

21 Sec. 14. If any parts of this act are found to be in conflict
22 with the state constitution of 1963, the United States
23 constitution, or federal law, this act shall be implemented to the
24 maximum extent that the state constitution of 1963, the United
25 States constitution, or federal law permit. Any provision held
26 invalid or imperative shall be severable from the remaining
27 portions of this act.



1 Enacting section 1. This act takes effect 90 days after the
2 date it is enacted into law.

