

**SUBSTITUTE FOR
HOUSE BILL NO. 5235**

A bill to amend 1978 PA 390, entitled

"An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,"

by amending section 2 (MCL 408.472).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) ~~An~~ **SUBJECT TO SUBSECTIONS (2), (3), AND (4), AN**
2 employer ~~, except an employer of an individual who harvests crops~~
3 ~~by hand as provided in subsection (2),~~ shall pay the following to
4 each ~~AN~~ employee:

5 (a) On or before the first day of each calendar month, the
6 wages earned **BY THE EMPLOYEE** during the first 15 days of the

House Bill No. 5235 as amended February 14, 2018
 1 preceding calendar month.

2 (b) On or before the fifteenth day of each calendar month, the
 3 wages earned **BY THE EMPLOYEE** during the preceding calendar month
 4 from the sixteenth day through the last day.

5 (2) An employer shall pay to ~~each~~**AN** individual engaged in any
 6 phase of the hand harvesting of crops all wages earned in a week **BY**
 7 **THE INDIVIDUAL** on or before the second day following the work week
 8 unless another method of payment is agreed upon by written
 9 contract.

10 (3) An employer who has established a regularly scheduled
 11 weekly or biweekly payday ~~shall be deemed to be~~**IS** in compliance
 12 with subsection (1) ~~provided that~~**:IF BOTH OF THE FOLLOWING**
 13 **CONDITIONS ARE MET:**

14 (a) Wages are paid to the employee on the established
 15 regularly recurring payday. ~~and~~

16 (b) ~~Such~~**THE** payday occurs on or before the fourteenth day
 17 following the end of the work period in which the wages are earned.

18 (4) An employer who ~~establishes~~**HAS ESTABLISHED** a **REGULARLY**
 19 **SCHEDULED** monthly payday ~~shall be deemed to be~~**PAY PERIOD IS** in
 20 compliance with subsection (1) ~~provided that~~**IF** the employer pays
 21 to the employee, ~~on or before the first day of each calendar month~~
 22 **WITHIN [9] DAYS AFTER THE END OF A MONTHLY PAY PERIOD,** all wages
 23 earned during ~~the preceding calendar month~~**.THE MONTHLY PAY PERIOD.**

24 (5) ~~In the case of~~**FOR** employees' overtime earnings earned
 25 during the month of December ~~which~~**THAT** would, in compliance with
 26 this section, be paid to the ~~employee~~**EMPLOYEES** after the sixteenth
 27 of December, an employer ~~will be deemed to be~~**IS** in compliance with

1 this section ~~provided the employer meets all~~ **IF BOTH** of the
2 following **CONDITIONS ARE MET:**

3 (a) Employees receive all their wages, except overtime, for
4 the month of December on or before the employees' regularly
5 scheduled payday. †

6 (b) ~~And all~~ **ALL** overtime wages earned during the month of
7 December are paid on or before the next regularly scheduled payday
8 following the payday in which the overtime would otherwise be paid.

9 (6) An employer may pay wages more often than required by this
10 section.

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