

# HOUSE BILL No. 4921

June 12, 1997, Introduced by Reps. Brater, Anthony, Varga, Hale, Dobronski, Schermesser, Hanley, Goschka, Parks, DeHart, Schroer, Cherry, Schauer, Brewer and McBryde and referred to the Committee on Labor and Occupational Safety.

A bill to require employers to allow an employee to receive certain telephone calls; to prescribe certain powers and duties of the department of consumer and industry services; and to prescribe penalties.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Employee" means an individual employed by an employer.

3       (b) "Employer" means an individual, sole proprietorship,  
4 partnership, association, or corporation, public or private; this  
5 state or an agency of this state; a city, county, village, town-  
6 ship, school district, or intermediate school district; an insti-  
7 tution of higher education; or an individual acting directly or  
8 indirectly in the interest of an employer who employs 1 or more  
9 individuals.

1 (c) "Health care professional" means a person licensed to  
2 provide a human health service under article 15 of the public  
3 health code, 1978 PA 368, MCL 333.16101 to 333.18838.

4 (d) "Job site" means the structure or geographical location  
5 at which an employee performs his or her services for an  
6 employer.

7 (e) "Law enforcement officer" means a person elected or  
8 appointed by this state or a political subdivision of this state  
9 to preserve peace, make arrests, or enforce the law.

10 Sec. 2. (1) An employer who maintains a telephone at an  
11 employee's job site shall allow the employee to receive at that  
12 job site telephone calls that relate to the following:

13 (a) A medical or other emergency of an immediate family  
14 member of the employee.

15 (b) Notification of a medical or other emergency, if the  
16 employee is designated to be the individual notified of another  
17 individual's medical or other emergency.

18 (2) After an employee receives and responds to a telephone  
19 call described in subsection (1), an employer may request that  
20 the employee provide a statement from a health care professional  
21 or a law enforcement officer that verifies the existence of the  
22 emergency but that does not disclose the specific condition, ill-  
23 ness, or cause of the emergency. If an employer requests evi-  
24 dence under this subsection, the employee has 30 days from the  
25 date of the request to provide that evidence. Except as provided  
26 in subsection (3), an employer shall not require evidence that a

1 telephone call relates to an emergency before allowing an  
2 employee to receive that telephone call.

3       (3) Before allowing an employee to receive a telephone call  
4 alleged to be related to an emergency, an employer may require  
5 evidence of that emergency, but only if the employee has received  
6 3 or more telephone calls alleged to be related to an emergency  
7 during his or her employment, the employer has requested evidence  
8 of those emergencies under subsection (2), and the employee has  
9 failed to provide the requested evidence for at least 3 of those  
10 telephone calls.

11       Sec. 3. (1) An employer who violates this act shall be  
12 liable for a civil fine of not more than \$250.00.

13       (2) A civil fine that is ordered in accordance with this act  
14 shall be submitted to the state treasurer for deposit in the gen-  
15 eral fund of the state.

16       Sec. 4. The department of consumer and industry services  
17 shall administer and enforce this act.