

HOUSE BILL NO. 4972

September 13, 2023, Introduced by Reps. Dievendorf, Brabec, Paiz, Wilson, McKinney, Andrews, Byrnes, Morgan and Tsernoglou and referred to the Committee on Labor.

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
(MCL 37.2101 to 37.2804) by adding section 202b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 202b. (1) Subject to subsection (2), an employer shall
2 not enter into an agreement with an employee or former employee if
3 the agreement prohibits the employee or former employee from

1 disclosing either of the following:

2 (a) A violation or suspected violation of this article.

3 (b) Facts regarding a violation or suspected violation of this
4 article.

5 (2) Subsection (1) does not prohibit an employer from entering
6 into an agreement described in subsection (1) if all of the
7 following conditions are met:

8 (a) The employer notifies the employee or former employee, in
9 writing, of both of the following:

10 (i) The prohibition in subsection (1).

11 (ii) That the employee or former employee may retain, and has 5
12 business days to retain, an attorney before entering into the
13 agreement.

14 (b) If the employee or former employee is not represented by
15 an attorney, the employer gives the employee or former employee at
16 least 5 business days, beginning on the date the employer provides
17 the notice required under subdivision (a), to retain an attorney
18 before entering into the agreement.

19 (c) The agreement releases the employee's or former employee's
20 claim regarding a violation of this article.

21 (d) The agreement is otherwise enforceable.

22 (3) An agreement entered into in violation of this section is
23 void.

24 (4) This section applies to an agreement entered into,
25 amended, extended, or renewed on or after the effective date of the
26 amendatory act that added this section.