

# Earned Sick Time Act

## Sample Handbook Language

**Note:**

*The Earned Sick Time Act has different applications for businesses of different sizes and allows for employer flexibility in choosing which method of providing sick time fits their business. Please review the highlighted, bracketed items that flag optional changes from the sample text. This document was created by Michigan Retailers Association to aid in employer compliance with Michigan's Earned Sick Time Act and is not meant to be used as legal advice.*

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## For businesses with 10 employees or fewer choosing to allow employees to gradually accrue earned sick time:

Beginning October 1, 2025, employees (not including unpaid interns/trainees and employees covered under the Youth Employment Standards Act) shall accrue a minimum of one (1) hour of earned sick time for every 30 hours worked, but shall not be entitled to use more than 40 hours of earned sick time in a calendar year.

[The employer may select a higher limit, but 40 is the minimum.] The employer may require a new employee to wait until the 120th calendar day after commencing employment before using accrued earned sick time. Accrued, unused earned sick time under the Earned Sick Time Act (PA 2 of 2025) is not required to be paid out upon termination of employment. [However, the employer may choose to do so.]

### Earned sick time may be used for any of the following:

- The employee's or the employee's family member's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee's or the employee's family member's mental or physical illness, injury, or health condition; or preventative medical care for the employee or the employee's family member.
- If the employee or the employee's family member is a victim of domestic violence or sexual assault, for medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault;
- For meetings at a child's school or place of care related to the child's health or disability, or the effects of domestic violence or sexual assault on the child; and
- For closure of the employee's place of business by order of a public official due to a public health emergency; for an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or employee's family member's presence in the community would jeopardize the health of others because of the employee's or family member's exposure to a communicable disease, regardless of whether the employee or family member has actually contracted the communicable disease.

If the need for earned sick time is foreseeable, the employee is required to notify the employer no more than 7 days in advance. (Employers should use their best judgement as to whether the use of earned sick time meets this standard.) If the need for earned sick time is unforeseeable, the employee must notify the employer as soon as practicable. For earned sick leave of more than three consecutive days, an employer may require reasonable documentation that the earned sick leave has been used for a permissible purpose. Upon request, the employee must provide this documentation within 15 days.

There can be no penalty or retaliation for employees requesting or using paid sick time for the above purposes.

## For businesses with 10 employees or fewer choosing to “frontload” earned sick time:

Beginning October 1, 2025, employees (not including unpaid interns/trainees and employees covered under the Youth Employment Standards Act) shall be provided a 40 hour [optionally higher] bank of earned sick time, to be used in a one (1) year period. Unused earned sick time does not [optionally: does] carry over year-to-year. Unused earned sick time under the Earned Sick Time Act (PA 2 of 2025) is not required to be paid out upon termination of employment. [However, the employer may choose to do so.]

Part-time employees’ earned sick time bank will be determined by an in-writing estimate of the number of hours expected to be worked for the year using a formula of one (1) hour of earned sick time for every 30 hours worked. Periodic adjustments may be made throughout the year to align hours awarded with actual hours worked.

### Earned sick time may be used for any of the following:

- The employee’s or the employee’s family member’s mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee’s or the employee’s family member’s mental or physical illness, injury, or health condition; or preventative medical care for the employee or the employee’s family member.
- If the employee or the employee’s family member is a victim of domestic violence or sexual assault, for medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault;
- For meetings at a child’s school or place of care related to the child’s health or disability, or the effects of domestic violence or sexual assault on the child; and
- For closure of the employee’s place of business by order of a public official due to a public health emergency; for an employee’s need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee’s or employee’s family member’s presence in the community would jeopardize the health of others because of the employee’s or family member’s exposure to a communicable disease, regardless of whether the employee or family member has actually contracted the communicable disease.

If the need for earned sick time is foreseeable, the employee is required to notify the employer no more than 7 days in advance. (Employers should use their best judgement as to whether the use of earned sick time meets this standard.) If the need for earned sick time is unforeseeable, the employee must notify the employer as soon as practicable. For earned sick leave of more than three consecutive days, an employer may require reasonable documentation that the earned sick leave has been used for a permissible purpose. Upon request, the employee must provide this documentation within 15 days.

There can be no penalty or retaliation for employees requesting or using paid sick time for the above purposes.

## For businesses with 11 or more employees choosing to allow employees to gradually accrue earned sick time:

Effective February 21, 2025, employees (not including unpaid interns/trainees and employees covered under the Youth Employment Standards Act) shall accrue a minimum of one (1) hour of earned sick time for every 30 hours worked, but shall not be entitled to use more than 72 hours of earned sick time in a calendar year.

[The employer may select a higher limit, but 72 is the minimum.] Accrued, unused earned sick time under the Earned Sick Time Act (PA 2 of 2025) is not required to be paid out upon termination of employment.

[However, the employer may choose to do so.]

### Earned sick time may be used for any of the following:

- The employee's or the employee's family member's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee's or the employee's family member's mental or physical illness, injury, or health condition; or preventative medical care for the employee or the employee's family member.
- If the employee or the employee's family member is a victim of domestic violence or sexual assault, for medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault;
- For meetings at a child's school or place of care related to the child's health or disability, or the effects of domestic violence or sexual assault on the child; and
- For closure of the employee's place of business by order of a public official due to a public health emergency; for an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or employee's family member's presence in the community would jeopardize the health of others because of the employee's or family member's exposure to a communicable disease, regardless of whether the employee or family member has actually contracted the communicable disease.

If the need for earned sick time is foreseeable, the employee is required to notify the employer no more than 7 days in advance. (Employers should use their best judgement as to whether the use of earned sick time meets this standard.) If the need for earned sick time is unforeseeable, the employee must notify the employer as soon as practicable. For earned sick leave of more than three consecutive days, an employer may require reasonable documentation that the earned sick leave has been used for a permissible purpose. Upon request, the employee must provide this documentation within 15 days.

There can be no penalty or retaliation for employees requesting or using paid sick time for the above purposes.

## For businesses with 11 or more employees choosing to “frontload” earned sick time:

Effective February 21, 2025, employees (not including unpaid interns/trainees and employees covered under the Youth Employment Standards Act) shall be provided a 72 hour [optionally higher] bank of earned sick time, to be used in a one (1) year period. Unused earned sick time does not [optionally: does] carry over year-to-year. Unused earned sick time under the Earned Sick Time Act (PA 2 of 2025) is not required to be paid out upon termination of employment. [However, the employer may choose to do so.]

Part-time employees’ earned sick time bank will be determined by an in-writing estimate of the number of hours expected to be worked for the year using a formula of one (1) hour of earned sick time for every 30 hours worked. Periodic adjustments may be made throughout the year to align hours awarded with actual hours worked.

### Earned sick time may be used for any of the following:

- The employee’s or the employee’s family member’s mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee’s or the employee’s family member’s mental or physical illness, injury, or health condition; or preventative medical care for the employee or the employee’s family member.
- If the employee or the employee’s family member is a victim of domestic violence or sexual assault, for medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault;
- For meetings at a child’s school or place of care related to the child’s health or disability, or the effects of domestic violence or sexual assault on the child; and
- For closure of the employee’s place of business by order of a public official due to a public health emergency; for an employee’s need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee’s or employee’s family member’s presence in the community would jeopardize the health of others because of the employee’s or family member’s exposure to a communicable disease, regardless of whether the employee or family member has actually contracted the communicable disease.

If the need for earned sick time is foreseeable, the employee is required to notify the employer no more than 7 days in advance. (Employers should use their best judgement as to whether the use of earned sick time meets this standard.) If the need for earned sick time is unforeseeable, the employee must notify the employer as soon as practicable. For earned sick leave of more than three consecutive days, an employer may require reasonable documentation that the earned sick leave has been used for a permissible purpose. Upon request, the employee must provide this documentation within 15 days.

There can be no penalty or retaliation for employees requesting or using paid sick time for the above purposes.