

SURVIVOR STATE EMPLOYMENT GUIDE

MICHIGAN

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Michigan law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Michigan has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Paid Sick Leave:** Under Michigan law ([Mich. Comp. Laws Sec. 408.961 - 408.974](#)), an employer with 50 or more employees must provide paid medical leave to any eligible employee. Only certain employees are eligible for this leave. The leave accrues at a rate of at least one hour for every 35 hours worked and cannot exceed 40 hours in a 12-month consecutive period. This law is effective as of March 29, 2019. Please note, this law is currently in litigation and will likely change in 2023.
- **Leave to Address Domestic Violence or Sexual Assault:** The sick leave described above can be used by the eligible employee if they or their family member is a victim of domestic violence or sexual assault. The eligible employee can specifically use it for the following reasons related to domestic violence or sexual assault:
 - Obtain medical care or psychological or other counseling for physical or psychological injury or disability;
 - Obtain services from a victim services organization;
 - Relocate due to domestic violence or sexual assault;
 - Obtain legal services; or
 - Participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.

An employer may require an eligible employee who is using paid medical leave because of domestic violence or sexual assault to provide documentation that the paid medical leave has been used for that reason. These documents can be used to show evidence of domestic violence or sexual assault:

- A police report showing that the eligible employee or the eligible employee's family member was a victim of domestic violence or sexual assault;
 - A signed statement from a victim and witness advocate affirming that the eligible employee or eligible employee's family member is receiving services from a victim services organization; or
 - A court document indicating that the eligible employee or eligible employee's family member is involved in legal action related to domestic violence or sexual assault.
- **Time Off for Crime Victims:** Under Michigan law ([Mich. Comp. Laws § 780.762](#) and [Mich. Comp. Laws § 780.790](#)), a victim or victim representative can take time off to give testimony in court in response to a subpoena or request from the prosecuting attorney.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

At the time of publication, Michigan has not enacted a state law regarding unemployment insurance for domestic violence, sexual assault, or stalking. Please consult federal law.