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Dear Friends and Clients:

We promised to keep you updated when we wrote you just 10 days ago regarding a decision by Michigan's Court of Claims that would increase the minimum wage to \$12 per hour and expand employee's rights to paid sick time. Well, that update is coming sooner than we expected: On July 29, Court of Claims Judge Douglas Shapiro gave the state's employers until [February 19, 2023 to comply with the reinstated laws](#).

In his Order postponing the effective date of his earlier ruling, the judge also denied a request from the state to delay any change in the current law until after an appeal to the Michigan Court of Appeals has been resolved. The judge reasoned that a stay pending a decision on the state's appeal was not necessary because: (1) The state was "not likely to prevail on the merits." (2) The effect of his July 19 ruling would have a "neutral" impact on the public interest since the new requirements would benefit much of the population (employees) while "also imposing new demands on other segments of the population," i.e. employers.

In his earlier ruling, Judge Shapiro found that the Legislature had violated Michigan's Constitution in 2018 when it adopted two citizen initiatives, as written, in September 2018, then substantially amended both laws just three months later. The judge called the procedure "legislative sleight-of-hand," designed to ensure the two popular initiatives would not appear on the ballot for the November 2018 elections. If voters had approved the proposals, a legislative supermajority would have been needed to amend them, instead of the simple majority that revised both laws in December 2018 to make them more friendly to employers. The remedy for this legislative overreach, the judge reasoned, was to reinstate the laws as adopted, before their amendment.

Unless the Judge Shapiro's ruling is reversed or modified, the minimum wage – now set at \$9.87 per hour – will rise to \$12 per hour in February. In addition, employers with at least one employee will have to provide their workers with one hour of sick time for every 30 hours worked. Employees at businesses with at least 10 workers could receive up to 72 hours of paid sick time, while workers at smaller establishments could receive a maximum of 40 hours paid sick time, and an additional 32 hours of unpaid sick time. A detailed comparison of the laws before and after amendment is available on our website.

Watch your inbox, or check out our website [www.gwinlegal.com](http://www.gwinlegal.com), for updates.

As always, if you have any questions, please call.<sup>1</sup>

Very truly yours,

**GWINN LEGAL PLLC**

Daniel A. Gwinn

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