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## Michigan Attorney General Asked to Issue Formal Opinion on the Constitutionality of the “Adopt and Amend” Process Used to Enact Paid Medical Leave and Minimum Wage Laws

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Employers in Michigan have been on a roller coaster ride over the last several months regarding new paid sick leave and minimum wage requirements.

In the fall of 2018, the Michigan Legislature adopted paid sick leave and minimum wage ballot proposals, which, as written, required employers to provide significant paid sick leave and provided steep increases to the minimum hourly wage. The ride took an interesting turn during the legislature’s lame-duck session in December 2018, when it amended both laws in favor of a more conservative [paid medical leave law](#) and [reduced minimum wage increases](#).

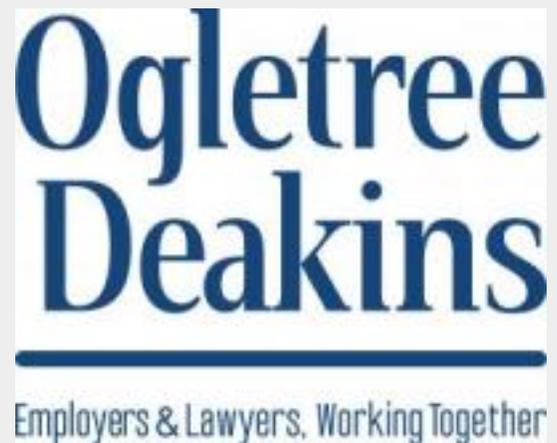
On February 13, 2019, Senator Stephanie Chang, from Michigan Senate District 1, sent a request for Michigan Attorney General Dana Nessel to issue a formal opinion on whether the “adopt and amend” course taken by the legislature by first adopting into law the paid sick leave and minimum wage voter-initiated ballot proposals and then later amending them during the same legislative session was unconstitutional.

Interestingly, there are conflicting opinions from previous attorneys general, the most recent of which was issued by Nessel’s immediate predecessor, Bill Schuette. In early December 2018, Schuette opined that the legislature’s adoption of the ballot proposals and subsequent amendment of the original language during the same session was constitutional. Nessel has requested public comments on the issue, indicating that she likely will accept the invitation to weigh in on the constitutionality of the legislature’s actions.

What does this mean for the March 29, 2019, implementation date of these two laws? Right now, there is no way to know. This could lead to litigation, different obligations, and even new effective dates. Until we learn more, Michigan employers will be left hanging, anxiously awaiting the roller coaster to begin its descent.

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