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January 15, 2025

Re: ESTA Policy and Form

Dear Retainer Client:

As previously announced in our August 2024 *School Law Notes*, on July 31, 2024, the Michigan Supreme Court declared the Michigan Paid Medical Leave Act (PMLA) void and ordered the Michigan Earned Sick Time Act (ESTA) into law effective February 21, 2025. *Mothering Justice v Attorney General*, Case No. 165325 (2024). A legislative bill introduced during the last legislative session would have retained the PMLA and eliminated ESTA, but that bill did not pass before that legislative session concluded on December 31, 2024. There is currently no pending bill that would retain the PMLA and eliminate ESTA, meaning ESTA will likely go into effect on February 21, 2025.

ESTA does not apply to employees covered by a collective bargaining agreement (CBA) until the CBA's expiration date. For all other employees, ESTA will apply beginning February 21, 2025.

To assist clients with pivoting from the PMLA to ESTA, Thrun prepared an ESTA policy and an ESTA form. The ESTA policy governs ESTA leave terms, including leave eligibility, accrual, and use. The ESTA form is intended to assist employers with providing an ESTA-mandated hire notice. Schools should consider repealing their PMLA policies effective February 21, 2025.

Although it appears that the Michigan Department of Labor and Economic Opportunity (LEO) prepared an ESTA "brochure" to assist employers with satisfying the ESTA hire notice mandate, that brochure omits certain required notice terms, including an employer's ESTA benefit year designation.

The ESTA policy and form will be sent this week to Thrun Policy Service update subscribers at no additional charge, along with instructions for repealing Thrun's current PMLA policy. For retainer clients who are not Thrun Policy Service update subscribers, the ESTA policy and form are available for purchase for \$335.00. Non-retainer clients may purchase these materials for \$385.00. Please contact Thrun's Board Policy Administrator, Luc Savoie, to purchase the policy and form at lsavoie@thrunlaw.com or at [517.374.8818](tel:517.374.8818).

We are aware of two pending bills that would amend ESTA – Senate Bill 15 of 2025 and Senate Bill 4002 of 2025. If those bills pass before ESTA goes into effect, Thrun will circulate an updated ESTA policy and form (if needed) at no extra charge to Thrun Policy Service subscribers and to those clients that purchase the ESTA policy and form before ESTA goes into effect. We recommend Board of Education approval for both PMLA policy repeal and ESTA policy adoption.

Thrun Law Firm, P.C.

This client communication is intended to provide helpful information on school law topics and is not intended as legal advice or opinion for specific facts, matters, situations, or issues. Legal counsel should be consulted about the application of this information to a specific circumstance or situation.