

Michigan Court Accelerates Minimum Wage Rate Increase



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On July 19, 2022, the Michigan Court of Claims ruled in [Mothering Justice v. Nessel](#) that the state legislature violated the state's constitution in 2018 when it adopted and immediately amended the state's ballot initiative to increase the state's minimum wage rate.

The 2018 Ballot Initiative

In 2018, the Michigan legislature was presented with a ballot initiative to gradually increase the state's minimum wage rate. Under the Michigan Constitution, the legislature had the option to reject, adopt or propose an alternative.

However, the legislature adopted the initiative and then immediately amended key provisions. The original proponents of the 2018 ballot measure challenged this process in court, claiming the legislature does not have the authority to adopt and amend the initiative.

Court Rationale

The court found that while the legislature has the authority to both adopt and amend such measures, the state constitution does not allow the legislature to do so within the same legislative session. The court further explained that allowing this type of process would "effectively thwart the power of the people to initiate laws and then vote on those same laws."

Impact on Employers

The court order voids Michigan's [Public Act 368 \(2018\)](#). This could possibly lead to an increase in the state's minimum wage from \$9.87 to \$12 per hour as early as Aug. 9, 2022, unless a higher court overrules this order.

Employers should continue to monitor this fluid development and consider what changes they may need to implement if compliance with the court order becomes necessary.

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