

HOUSE BILL No. 4139

February 7, 1991, Introduced by Reps. Joe Young, Sr., Harrison, DeMars, Kilpatrick and Joe Young, Jr. and referred to the Committee on Judiciary.

A bill to amend sections 102, 103, and 202 of Act No. 453 of the Public Acts of 1976, entitled as amended "Elliott-Larsen civil rights act," section 102 as amended by Act No. 45 of the Public Acts of 1982 and section 103 as amended by Act No. 202 of the Public Acts of 1980, being sections 37.2102, 37.2103, and 37.2202 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 102, 103, and 202 of Act No. 453 of the
2 Public Acts of 1976, section 102 as amended by Act No. 45 of the
3 Public Acts of 1982 and section 103 as amended by Act No. 202 of
4 the Public Acts of 1980, being sections 37.2102, 37.2103, and
5 37.2202 of the Michigan Compiled Laws, are amended to read as
6 follows:

1 Sec. 102. (1) The opportunity to obtain employment, housing
2 and other real estate, and the full and equal utilization of
3 public accommodations, public service, and educational facilities
4 without discrimination because of religion, race, color, national
5 origin, age, sex, height, weight, or marital status as prohibited
6 by this act ~~—~~ is recognized and declared to be a civil right.

7 (2) This section ~~shall not be construed to~~ DOES NOT pre-
8 vent an individual from bringing or continuing an action arising
9 out of sex discrimination before July 18, 1980 ~~which~~ IF THE
10 action is based on conduct similar ~~to~~ or identical to
11 harassment.

12 (3) THIS SECTION DOES NOT PREVENT AN INDIVIDUAL FROM BRING-
13 ING OR CONTINUING AN ACTION ARISING OUT OF DISCRIMINATION BECAUSE
14 OF RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, HEIGHT,
15 WEIGHT, OR MARITAL STATUS BEFORE THE EFFECTIVE DATE OF THE AMEN-
16 DATORY ACT THAT ADDED THIS SUBSECTION IF THE ACTION IS BASED ON
17 CONDUCT SIMILAR OR IDENTICAL TO CONDUCT PROHIBITED IN
18 SECTION 202(1)(D).

19 Sec. 103. As used in this act:

20 (a) "Age" means chronological age except as otherwise pro-
21 vided by law.

22 (b) "Commission" means the civil rights commission estab-
23 lished by section 29 of article ~~5~~ V of the state constitution
24 of 1963.

25 (c) "Commissioner" means a member of the commission.

26 (D) "COMPENSATION" MEANS ALL EARNINGS OF AN EMPLOYEE,
27 INCLUDING WAGES AND BENEFITS, WHETHER DETERMINED ON THE BASIS OF

1 TIME, TASK, PIECE, COMMISSION, OR OTHER METHOD OF CALCULATION FOR
2 LABOR, SERVICES, OR WORK PERFORMED.

3 (E) ~~(d)~~ "Department" means the department of civil rights
4 or its employees.

5 (F) ~~(e)~~ "National origin" includes the national origin of
6 an ancestor.

7 (G) ~~(f)~~ "Person" means an individual, agent, association,
8 corporation, joint apprenticeship committee, joint stock company,
9 labor organization, legal representative, mutual company, part-
10 nership, receiver, trust, trustee in bankruptcy, unincorporated
11 organization, the state or a political subdivision of the state
12 or an agency of the state, or any other legal or commercial
13 entity.

14 (H) ~~(g)~~ "Political subdivision" means a county, city, vil-
15 lage, township, school district, or special district or authority
16 of the state.

17 (I) ~~(h)~~ "Discrimination because of sex" includes sexual
18 harassment which means unwelcome sexual advances, requests for
19 sexual favors, and other verbal or physical conduct or communica-
20 tion of a sexual nature ~~when~~ IF:

21 (i) Submission to ~~such~~ THE conduct or communication is
22 made a term or condition either explicitly or implicitly to
23 obtain employment, public accommodations, ~~or~~ public services,
24 education, or housing.

25 (ii) Submission to or rejection of ~~such~~ THE conduct or
26 communication by an individual is used as a factor in decisions

1 affecting ~~such~~ THE individual's employment, public
2 accommodations, ~~or~~ public services, education, or housing.

3 (iii) ~~Such~~ THE conduct or communication has the purpose or
4 effect of substantially interfering with an individual's employ-
5 ment, public accommodations, ~~or~~ public services, education, or
6 housing, or creating an intimidating, hostile, or offensive
7 employment, public accommodations, public services, educational,
8 or housing environment.

9 Sec. 202. (1) An employer shall not DO ANY OF THE
10 FOLLOWING:

11 (a) Fail or refuse to hire, ~~or~~ recruit, ~~or~~ discharge, or
12 otherwise discriminate against an individual with respect to
13 employment, compensation, or a term, condition, or privilege of
14 employment ~~—~~ because of religion, race, color, national origin,
15 age, sex, height, weight, or marital status.

16 (b) Limit, segregate, or classify an employee or applicant
17 for employment in a way ~~which~~ THAT deprives or tends to deprive
18 the employee or applicant of an employment opportunity ~~—~~ or
19 otherwise adversely affects the status of an employee or appli-
20 cant because of religion, race, color, national origin, age, sex,
21 height, weight, or marital status.

22 (c) Segregate, classify, or otherwise discriminate against
23 ~~a person~~ AN INDIVIDUAL on the basis of sex with respect to a
24 term, condition, or privilege of employment, including a benefit
25 plan or system.

26 (D) FAIL OR REFUSE TO PROVIDE COMPENSATION EQUALLY FOR WORK
27 OF COMPARABLE VALUE IN TERMS OF THE COMPOSITE SKILL,

1 RESPONSIBILITY, EFFORT, EDUCATION OR TRAINING, AND WORKING
2 CONDITIONS BECAUSE OF RELIGION, RACE, COLOR, NATIONAL ORIGIN,
3 AGE, SEX, HEIGHT, WEIGHT, OR MARITAL STATUS.

4 (2) This section ~~shall not be construed to~~ DOES NOT pro-
5 hibit the establishment or implementation of a bona fide retire-
6 ment policy or system ~~which~~ THAT is not a subterfuge to evade
7 the purposes of this section.

8 (3) This section ~~shall~~ DOES not apply to the employment of
9 an individual by his or her parent, spouse, or child.

10 Section 2. This amendatory act shall not take effect unless
11 Senate Bill No. _____ or House Bill No. 4138 (request
12 no. 00964'91) of the 86th Legislature is enacted into law.