

HOUSE BILL No. 5058

August 1, 1991, Introduced by Reps. Dresch, Jaye, Dalman, Robertson, O'Connor, Shugars, Horton, Sikkema and Power and referred to the Committee on Civil Rights, Constitution and Women's Issues.

A bill to amend sections 202, 203, and 402 of Act No. 453 of the Public Acts of 1976, entitled as amended

"Elliott-Larsen civil rights act,"

section 202 as amended by Act No. 11 of the Public Acts of 1991 and section 402 as amended by Act No. 512 of the Public Acts of 1982, being sections 37.2202, 37.2203, and 37.2402 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 202, 203, and 402 of Act No. 453 of the
2 Public Acts of 1976, section 202 as amended by Act No. 11 of the
3 Public Acts of 1991 and section 402 as amended by Act No. 512 of
4 the Public Acts of 1982, being sections 37.2202, 37.2203, and
5 37.2402 of the Michigan Compiled Laws, are amended to read as
6 follows:

1 Sec. 202. (1) An employer shall not do any of the
2 following:

3 (a) Fail or refuse to hire or recruit, discharge, or other-
4 wise discriminate against an individual with respect to employ-
5 ment, compensation, or a term, condition, or privilege of employ-
6 ment, because of religion, race, color, national origin, age,
7 sex, height, weight, or marital status.

8 (b) Limit, segregate, or classify an employee or applicant
9 for employment in a way that deprives or tends to deprive the
10 employee or applicant of an employment opportunity, or otherwise
11 adversely affects the status of an employee or applicant because
12 of religion, race, color, national origin, age, sex, height,
13 weight, or marital status.

14 (c) Segregate, classify, or otherwise discriminate against a
15 person on the basis of sex with respect to a term, condition, or
16 privilege of employment, including, but not limited to, a benefit
17 plan or system.

18 (d) Until January 1, 1994, require an employee of an insti-
19 tution of higher education who is serving under a contract of
20 unlimited tenure, or similar arrangement providing for unlimited
21 tenure, to retire from employment on the basis of the employee's
22 age. As used in this subdivision, "institution of higher
23 education" means a public or private university, college, commu-
24 nity college, or junior college located in this state.

25 (E) ADJUST A TEST SCORE, USE A DIFFERENT CUT-OFF SCORE, OR
26 OTHERWISE ALTER THE RESULTS OF A TEST ON THE BASIS OF RELIGION,
27 RACE, COLOR, NATIONAL ORIGIN, OR SEX FOR THE PURPOSE OF SELECTING

1 OR REFERRING AN APPLICANT OR CANDIDATE FOR EMPLOYMENT OR
2 PROMOTION.

3 (2) This section shall not be construed to prohibit the
4 establishment or implementation of a bona fide retirement policy
5 or system that is not a subterfuge to evade the purposes of this
6 section.

7 (3) This section does not apply to the employment of an
8 individual by his or her parent, spouse, or child.

9 Sec. 203. An employment agency shall not ~~fail~~ DO ANY OF
10 THE FOLLOWING:

11 (A) FAIL or refuse to procure, refer, recruit, or place for
12 employment, or otherwise discriminate against, an individual
13 because of religion, race, color, national origin, age, sex,
14 height, weight, or marital status. ~~, or classify~~

15 (B) CLASSIFY or refer for employment an individual on the
16 basis of religion, race, color, national origin, age, sex,
17 height, weight, or marital status.

18 (C) ADJUST A TEST SCORE, USE A DIFFERENT CUT-OFF SCORE, OR
19 OTHERWISE ALTER THE RESULTS OF A TEST ON THE BASIS OF RELIGION,
20 RACE, COLOR, NATIONAL ORIGIN, OR SEX FOR THE PURPOSE OF SELECTING
21 OR REFERRING AN APPLICANT OR CANDIDATE FOR EMPLOYMENT OR
22 PROMOTION.

23 Sec. 402. (1) An educational institution shall not DO ANY
24 OF THE FOLLOWING:

25 (a) Discriminate against an individual in the full utiliza-
26 tion of or benefit from the institution, or the services,

1 activities, or programs provided by the institution because of
2 religion, race, color, national origin, or sex.

3 (b) Exclude, expel, limit, or otherwise discriminate against
4 an individual seeking admission as a student or an individual
5 enrolled as a student in the terms, conditions, or privileges of
6 the institution, because of religion, race, color, national
7 origin, or sex.

8 (c) For purposes of admission only, make or use a written or
9 oral inquiry or form of application that elicits or attempts to
10 elicit information concerning the religion, race, color, national
11 origin, age, sex, or marital status of a person, except as per-
12 mitted by rule of the commission or as required by federal law,
13 rule, or regulation, or pursuant to an affirmative action
14 program.

15 (d) Print or publish or cause to be printed or published a
16 catalog, notice, or advertisement indicating a preference, limi-
17 tation, specification, or discrimination based on the religion,
18 race, color, national origin, or sex of an applicant for admis-
19 sion to the educational institution.

20 (e) Announce or follow a policy of denial or limitation
21 through a quota or otherwise of educational opportunities of a
22 group or its members because of religion, race, color, national
23 origin, or sex.

24 (f) Encourage or condone legally required discrimination
25 against an individual on the basis of race or color by knowingly
26 making or maintaining after April 1, 1984, an investment in an
27 organization operating in the republic of South Africa. This

1 subdivision shall not apply to a private educational
2 institution.

3 (g) Encourage or condone religious discrimination or ethnic
4 discrimination by knowingly making or maintaining after February
5 1, 1983, an investment in an organization operating in the Union
6 of Soviet Socialist Republics.

7 (H) ADJUST A TEST SCORE, USE A DIFFERENT CUT-OFF SCORE, OR
8 OTHERWISE ALTER THE RESULTS OF A TEST ON THE BASIS OF RELIGION,
9 RACE, COLOR, NATIONAL ORIGIN, OR SEX FOR THE PURPOSE OF SELECTING
10 AN INDIVIDUAL FOR ADMISSION INTO THAT EDUCATIONAL INSTITUTION,
11 DETERMINING CLASS RANK OR CLASS STATUS OF AN INDIVIDUAL, DETER-
12 MINING AN INDIVIDUAL'S ELIGIBILITY TO PARTICIPATE IN ANY PROGRAM
13 OF THAT EDUCATIONAL INSTITUTION, OR GRANTING FINANCIAL ASSISTANCE
14 TO AN INDIVIDUAL.

15 (2) The department shall compile, from information obtained
16 from the United States department of commerce, a current register
17 of organizations operating in the republic of South Africa and
18 the Union of Soviet Socialist Republics. The department shall
19 make the register available, upon request, to a person, board, or
20 commission for a reasonable charge.

21 (3) As used in this section:

22 (a) "Investment" means money placed in shares of stock and
23 other equity interests. Investment does not include an evidence
24 of indebtedness arising from a transfer of direct obligations of,
25 or obligations that are fully guaranteed as to principal and
26 interest by, the United States or any agency thereof, that a bank

1 is obligated to repurchase or a bank deposit made in the ordinary
2 course of business.

3 (b) "Organization" means a United States firm, or a subsid-
4 iary or affiliate of a United States firm, as determined by the
5 United States department of commerce.