

SENATE BILL No. 30

February 5, 1991, Introduced by Senators SCHWARZ and POLLACK and referred to the Committee on Labor.

A bill to amend section 202 of Act No. 453 of the Public Acts of 1976, entitled as amended
"Elliott-Larsen civil rights act,"
being section 37.2202 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 202 of Act No. 453 of the Public Acts of
2 1976, being section 37.2202 of the Michigan Compiled Laws, is
3 amended to read as follows:

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

6 (a) Fail or refuse to hire —, or recruit, ~~or~~ discharge,
7 or otherwise discriminate against an individual with respect to
8 employment, compensation, or a term, condition, or privilege of
9 employment, because of religion, race, color, national origin,
10 age, sex, height, weight, or marital status.

1 (b) Limit, segregate, or classify an employee or applicant
2 for employment in a way ~~which~~ THAT deprives or tends to deprive
3 the employee or applicant of an employment opportunity, or other-
4 wise adversely affects the status of an employee or applicant
5 because of religion, race, color, national origin, age, sex,
6 height, weight, or marital status.

7 (c) Segregate, classify, or otherwise discriminate against a
8 person on the basis of sex with respect to a term, condition, or
9 privilege of employment, including, BUT NOT LIMITED TO, a benefit
10 plan or system.

11 (D) REQUIRE AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCA-
12 TION WHO IS SERVING UNDER A CONTRACT OF UNLIMITED TENURE, OR SIM-
13 ILAR ARRANGEMENT PROVIDING FOR UNLIMITED TENURE, TO RETIRE FROM
14 EMPLOYMENT ON THE BASIS OF THE EMPLOYEE'S AGE. AS USED IN THIS
15 SUBDIVISION, "INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC OR
16 PRIVATE UNIVERSITY, COLLEGE, COMMUNITY COLLEGE, OR JUNIOR COLLEGE
17 LOCATED IN THIS STATE.

18 (2) This section shall not be construed to prohibit the
19 establishment or implementation of a bona fide retirement policy
20 or system ~~which~~ THAT is not a subterfuge to evade the purposes
21 of this section, EXCEPT THAT THE EXISTENCE OF SUCH A RETIREMENT
22 POLICY OR SYSTEM DOES NOT EXCUSE THE FAILURE TO HIRE AN INDIVID-
23 UAL OR REQUIRE OR PERMIT THE INVOLUNTARY RETIREMENT OF AN INDI-
24 VIDUAL BECAUSE OF THE INDIVIDUAL'S AGE.

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