



# SENATE BILL No. 1085

July 3, 1996, Introduced by Senator A. SMITH and referred to the Committee on Human Resources, Labor and Veterans Affairs.

A bill to amend sections 201 and 202 of Act No. 220 of the Public Acts of 1976, entitled as amended "Michigan handicappers' civil rights act," section 201 as amended by Act No. 121 of the Public Acts of 1990, being sections 37.1201 and 37.1202 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Sections 201 and 202 of Act No. 220 of the  
2 Public Acts of 1976, section 201 as amended by Act No. 121 of the  
3 Public Acts of 1990, being sections 37.1201 and 37.1202 of the  
4 Michigan Compiled Laws, are amended to read as follows:

5 Sec. 201. As used in this article:

6 (A) "COMPENSATION" MEANS ALL EARNINGS OF AN EMPLOYEE FOR  
7 LABOR, SERVICES, OR WORK PERFORMED, AND INCLUDES WAGES AND

1 BENEFITS CALCULATED ON A TIME, TASK, PIECE, COMMISSION, OR ANY  
2 OTHER BASIS.

3 (B) ~~(a)~~ "Employee" does not include an individual employed  
4 in domestic service of any person.

5 (C) ~~(b)~~ "Employer" means a person who has 1 or more  
6 employees or a person who as A contractor or subcontractor ~~is~~  
7 ~~furnishing~~ FURNISHES material or ~~performing~~ PERFORMS work for  
8 the state or a governmental entity or agency of the state and  
9 includes an agent of ~~such a~~ THAT person.

10 (D) ~~(c)~~ "Employment agency" means a person WHO FOR COMPEN-  
11 SATION OR WITHOUT COMPENSATION regularly ~~undertaking with or~~  
12 ~~without compensation to procure~~ UNDERTAKES THE PROCUREMENT OF  
13 employees for an employer or ~~to procure~~ THE PROCUREMENT for  
14 employees OF opportunities to work for an employer. ~~and~~  
15 EMPLOYMENT AGENCY includes an agent of ~~such a~~ THE person  
16 DESCRIBED IN THIS SUBDIVISION.

17 (E) ~~(d)~~ "Labor organization" ~~includes~~ MEANS:

18 (i) An organization of any kind, an agency or employee rep-  
19 resentation committee, group, association, or plan in which  
20 employees participate and ~~which~~ THAT exists for the purpose, in  
21 whole or in part, of dealing with employers concerning griev-  
22 ances, labor disputes, wages, rates of pay, hours, or other terms  
23 or conditions of employment.

24 (ii) A conference, general committee, joint or system board,  
25 or joint council ~~which~~ THAT is subordinate to a national or  
26 international labor organization.

1 (iii) An agent of a labor organization.

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

4 (a) Fail or refuse to hire, recruit, or promote an individ-  
5 ual because of a handicap that is unrelated to the individual's  
6 ability to perform the duties of a particular job or position.

7 (b) Discharge or otherwise discriminate against an individ-  
8 ual with respect to compensation or the terms, conditions, or  
9 privileges of employment ~~—~~ because of a handicap that is unre-  
10 lated to the individual's ability to perform the duties of a par-  
11 ticular job or position.

12 (c) Limit, segregate, or classify an employee or applicant  
13 for employment in a way ~~which~~ THAT deprives or tends to deprive  
14 an individual of AN employment ~~opportunities~~ OPPORTUNITY or  
15 otherwise adversely affects the status of an employee because of  
16 a handicap that is unrelated to the individual's ability to per-  
17 form the duties of a particular job or position.

18 (d) Fail or refuse to hire, recruit, or promote an individ-  
19 ual on the basis of A physical or mental ~~examinations~~  
20 EXAMINATION that ~~are~~ IS not directly related to the require-  
21 ments of the specific job.

22 (e) Discharge or take other discriminatory action against an  
23 individual on the basis of A physical or mental ~~examinations~~  
24 EXAMINATION that ~~are~~ IS not directly related to the require-  
25 ments of the specific job.

26 (f) Fail or refuse to hire, recruit, or promote an  
27 individual ~~when~~ IF AN adaptive ~~devices or aids~~ DEVICE OR AID

1 may be utilized ~~thereby enabling~~ TO ENABLE that individual to  
2 perform the specific requirements of the job.

3 (g) Discharge or take other discriminatory action against an  
4 individual ~~when~~ IF AN adaptive ~~devices or aids~~ DEVICE OR AID  
5 may be utilized ~~thereby enabling~~ TO ENABLE that individual to  
6 perform the specific requirements of the job.

7 (H) FAIL OR REFUSE TO COMPENSATE A HANDICAPPED INDIVIDUAL  
8 FOR HIS OR HER SERVICES AT A RATE EQUAL TO THE RATE OF COMPENSA-  
9 TION PAID BY THE EMPLOYER FOR COMPARABLE SERVICES OF NONHANDI-  
10 CAPPED EMPLOYEES IN EQUIVALENT JOBS OR POSITIONS. THIS SUBDIVI-  
11 SION APPLIES ONLY IF THE HANDICAPPED INDIVIDUAL'S HANDICAP IS  
12 UNRELATED TO HIS OR HER ABILITY TO PERFORM THE DUTIES OF A PAR-  
13 TICULAR JOB OR POSITION. AS USED IN THIS SUBDIVISION,  
14 "COMPARABLE SERVICES" MEANS EQUIVALENT IN VALUE BASED ON THE  
15 SKILL, RESPONSIBILITY, EFFORT, EDUCATION OR TRAINING, AND WORKING  
16 CONDITIONS ASSOCIATED WITH THE JOB OR POSITION.

17 (2) This section ~~shall~~ DOES not apply to the employment of  
18 an individual by his OR HER parent, spouse, or child.

19 Section 2. This amendatory act shall not take effect unless  
20 Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
21 no. 06058'95) of the 88th Legislature is enacted into law.