

SUBSTITUTE FOR  
HOUSE BILL NO. 4256

A bill to amend 1976 PA 220, entitled "Persons with disabilities civil rights act," by amending sections 201 and 202 (MCL 37.1201 and 37.1202), section 201 as amended by 1990 PA 121 and section 202 as amended by 1998 PA 20.

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

1       Sec. 201. As used in this article:

2       (A) "COMPENSATION" MEANS ALL EARNINGS OF AN EMPLOYEE,  
3 INCLUDING WAGES AND BENEFITS, WHETHER DETERMINED ON THE BASIS OF  
4 TIME, TASK, PIECE, COMMISSION, OR OTHER METHOD OF CALCULATION FOR  
5 LABOR, SERVICES, OR WORK PERFORMED.

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

8       (C) ~~(b)~~ "Employer" means a person who has 1 or more  
9 employees or a person who as A contractor or subcontractor ~~is~~

**HB4256, As Passed House, May 14, 1998**

House Bill No. 4256

2

1 ~~furnishing~~ FURNISHES material or ~~performing~~ PERFORMS work for  
2 the state or a governmental entity or agency of the state and  
3 includes an agent of ~~such a~~ THAT person.

4 (D) ~~(c)~~ "Employment agency" means a person WHO regularly  
5 ~~undertaking~~ UNDERTAKES, with or without compensation, to pro-  
6 cure employees for an employer or to procure for employees oppor-  
7 tunities to work for an employer and includes an agent of ~~such~~  
8 ~~a~~ THAT person.

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

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

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

19 (iii) An agent of a labor organization.

20 Sec. 202. (1) An employer shall not:

21 (a) Fail or refuse to hire, recruit, or promote an individ-  
22 ual because of a disability that is unrelated to the individual's  
23 ability to perform the duties of a particular job or position.

24 (b) Discharge or otherwise discriminate against an individ-  
25 ual with respect to compensation or the terms, conditions, or  
26 privileges of employment ~~,~~ because of a disability that is

**HB4256, As Passed House, May 14, 1998**

Sub. H.B. 4256 (H-6) as amended May 12, 1998

3

1 unrelated to the individual's ability to perform the duties of a  
2 particular job or position.

3 (c) Limit, segregate, or classify an employee or applicant  
4 for employment in a way ~~which~~ THAT deprives or tends to deprive  
5 an individual of AN employment ~~opportunities~~ OPPORTUNITY or  
6 otherwise adversely affects the status of an employee because of  
7 a disability that is unrelated to the individual's ability to  
8 perform the duties of a particular job or position.

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

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

17 (f) Fail or refuse to hire, recruit, or promote an individ-  
18 ual ~~when~~ IF AN adaptive ~~devices or aids~~ DEVICE OR AID may be  
19 utilized ~~thereby enabling~~ TO ENABLE that individual to perform  
20 the specific requirements of the job.

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

25 (H) FAIL OR REFUSE TO PROVIDE COMPENSATION EQUALLY FOR WORK  
26 OF COMPARABLE VALUE IN TERMS OF THE COMPOSITE SKILL,  
27 RESPONSIBILITY, EFFORT, [HOURS WORKED,] EXPERIENCE, SENIORITY,  
EDUCATION OR

00859'97 (H-6)

**HB4256, As Passed House, May 14, 1998**

House Bill No. 4256

4

1 TRAINING, AND WORKING CONDITIONS BECAUSE OF A DISABILITY THAT IS  
2 UNRELATED TO THE INDIVIDUAL'S ABILITY TO PERFORM THE DUTIES OF A  
3 PARTICULAR JOB OR POSITION.

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

6 (3) SUBSECTION (1)(H) DOES NOT TAKE EFFECT UNTIL BOTH OF THE  
7 FOLLOWING CONDITIONS ARE MET:

8 (A) THE DIRECTOR OF THE DEPARTMENT OF CIVIL RIGHTS RECEIVES  
9 A HOUSE RESOLUTION DESCRIBED IN SECTION 202 OF THE ELLIOTT-LARSEN  
10 CIVIL RIGHTS ACT, 1976 PA 453, MCL 37.2202.

11 (B) THE LEGISLATURE ENACTS A DEFINITION, MODEL, AND GUIDE-  
12 LINES RELATING TO PAY EQUITY AS DESCRIBED IN SECTION 202 OF THE  
13 ELLIOTT-LARSEN CIVIL RIGHTS ACT, 1976 PA 453, MCL 37.2202.

14 Enacting section 1. This amendatory act does not take  
15 effect unless House Bill No. 4257 of the 89th Legislature is  
16 enacted into law.