

**SUBSTITUTE FOR
SENATE BILL NO. 615**

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending sections 202 and 203 (MCL 37.2202 and 37.2203),
section 202 as amended by 1991 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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1 adversely affects the status of an employee or applicant because
2 of religion, race, color, national origin, age, sex, height,
3 weight, or marital status.

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

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

15 (E) ADJUST A TEST SCORE, USE A DIFFERENT CUT-OFF SCORE, OR
16 OTHERWISE ALTER THE RESULTS OF A TEST ON THE BASIS OF RELIGION,
17 RACE, COLOR, NATIONAL ORIGIN, OR GENDER FOR THE PURPOSE OF
18 SELECTING OR REFERRING AN APPLICANT OR CANDIDATE FOR EMPLOYMENT
19 OR PROMOTION.

20 (2) This section shall not be construed to prohibit the
21 establishment or implementation of a bona fide retirement policy
22 or system that is not a subterfuge to evade the purposes of this
23 section.

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

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

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

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

8 (C) ADJUST A TEST SCORE, USE A DIFFERENT CUT-OFF SCORE, OR
9 OTHERWISE ALTER THE RESULTS OF A TEST ON THE BASIS OF RELIGION,
10 RACE, COLOR, NATIONAL ORIGIN, OR GENDER FOR THE PURPOSE OF
11 SELECTING OR REFERRING AN APPLICANT OR CANDIDATE FOR EMPLOYMENT
12 OR PROMOTION.