

HOUSE BILL No. 4257

February 11, 1997, Introduced by Reps. Martinez, Wallace, Hale, Anthony, Baird, Hanley, Schauer, LaForge, DeHart, Gire, Cherry, Tesanovich, Bogardus, Ciaramitaro, Goschka, Willard, Schroer, Freeman, Profit, Baade, Scott, Bankes, Curtis, Schermesser, Quarles, Rison, Prusi, Parks, Murphy, Dobronski, Emerson, Brater, Callahan, Brown and Varga and referred to the Committee on Labor and Occupational Safety.

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending sections 102, 103, and 202 (MCL 37.2102, 37.2103, and
37.2202), sections 102 and 103 as amended by 1992 PA 124 and
section 202 as amended by 1991 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 102. (1) The opportunity to obtain employment, housing
2 and other real estate, and the full and equal utilization of
3 public accommodations, public service, and educational facilities
4 without discrimination because of religion, race, color, national
5 origin, age, sex, height, weight, familial status, or marital
6 status as prohibited by this act —, is recognized and declared
7 to be a civil right.

8 (2) This section ~~shall not be construed to~~ DOES NOT
9 prevent an individual from bringing or continuing an action

1 arising out of sex discrimination before July 18, 1980 ~~which~~ IF
2 THE action is based on conduct similar to or identical to
3 harassment.

4 (3) This section ~~shall not be construed to~~ DOES NOT pre-
5 vent an individual from bringing or continuing an action arising
6 out of discrimination based on familial status before ~~the effec-~~
7 ~~tive date of the amendatory act that added this subsection~~ JUNE
8 29, 1992, which action is based on conduct similar to or identi-
9 cal to discrimination because of the age of persons residing with
10 the individual bringing or continuing the action.

11 (4) THIS SECTION DOES NOT PREVENT AN INDIVIDUAL FROM BRING-
12 ING OR CONTINUING AN ACTION ARISING OUT OF DISCRIMINATION BECAUSE
13 OF RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, HEIGHT,
14 WEIGHT, OR MARITAL STATUS BEFORE THE EFFECTIVE DATE OF THE AMEN-
15 DATORY ACT THAT ADDED THIS SUBSECTION IF THE ACTION IS BASED ON
16 CONDUCT SIMILAR OR IDENTICAL TO CONDUCT PROHIBITED IN SECTION
17 202(1)(D).

18 Sec. 103. As used in this act:

19 (a) "Age" means chronological age except as otherwise pro-
20 vided by law.

21 (b) "Commission" means the civil rights commission estab-
22 lished by section 29 of article ~~5~~ V of the state constitution
23 of 1963.

24 (c) "Commissioner" means a member of the commission.

25 (D) "COMPENSATION" MEANS ALL EARNINGS OF AN EMPLOYEE,
26 INCLUDING WAGES AND BENEFITS, WHETHER DETERMINED ON THE BASIS OF

1 TIME, TASK, PIECE, COMMISSION, OR OTHER METHOD OF CALCULATION FOR
2 LABOR, SERVICES, OR WORK PERFORMED.

3 (E) ~~-(d)-~~ "Department" means the department of civil rights
4 or its employees.

5 (F) ~~-(e)-~~ "Familial status" means 1 or more individuals
6 under the age of 18 residing with a parent or other person having
7 custody or in the process of securing legal custody of the indi-
8 vidual or individuals or residing with the designee of the parent
9 or other person having or securing custody, with the written per-
10 mission of the parent or other person. For purposes of this
11 ~~definition~~ SUBDIVISION, "parent" includes a person who is
12 pregnant.

13 (G) ~~-(f)-~~ "National origin" includes the national origin of
14 an ancestor.

15 (H) ~~-(g)-~~ "Person" means an individual, agent, association,
16 corporation, joint apprenticeship committee, joint stock company,
17 labor organization, legal representative, mutual company, part-
18 nership, receiver, trust, trustee in bankruptcy, unincorporated
19 organization, the state or a political subdivision of the state
20 or an agency of the state, or any other legal or commercial
21 entity.

22 (I) ~~-(h)-~~ "Political subdivision" means a county, city, vil-
23 lage, township, school district, or special district or authority
24 of the state.

25 (J) ~~-(i)-~~ "Discrimination because of sex" includes sexual
26 harassment which means unwelcome sexual advances, requests for

1 sexual favors, and other verbal or physical conduct or
2 communication of a sexual nature ~~when~~ IF:

3 (i) Submission to ~~such~~ THE conduct or communication is
4 made a term or condition either explicitly or implicitly to
5 obtain employment, public accommodations, ~~or~~ public services,
6 education, or housing.

7 (ii) Submission to or rejection of ~~such~~ THE conduct or
8 communication by an individual is used as a factor in decisions
9 affecting ~~such~~ THE individual's employment, public
10 accommodations, ~~or~~ public services, education, or housing.

11 (iii) ~~Such~~ THE conduct or communication has the purpose or
12 effect of substantially interfering with an individual's employ-
13 ment, public accommodations, ~~or~~ public services, education, or
14 housing, or creating an intimidating, hostile, or offensive
15 employment, public accommodations, public services, educational,
16 or housing environment.

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

19 (a) Fail or refuse to hire, ~~or~~ recruit, discharge, or oth-
20 erwise discriminate against an individual with respect to employ-
21 ment, compensation, or a term, condition, or privilege of employ-
22 ment ~~—~~ because of religion, race, color, national origin, age,
23 sex, height, weight, or marital status.

24 (b) Limit, segregate, or classify an employee or applicant
25 for employment in a way that deprives or tends to deprive the
26 employee or applicant of an employment opportunity ~~—~~ or
27 otherwise adversely affects the status of an employee or

1 applicant because of religion, race, color, national origin, age,
2 sex, height, weight, or marital status.

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

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

14 (E) FAIL OR REFUSE TO PROVIDE COMPENSATION EQUALLY FOR WORK
15 OF COMPARABLE VALUE IN TERMS OF THE COMPOSITE SKILL, RESPONSIBIL-
16 ITY, EFFORT, EDUCATION OR TRAINING, AND WORKING CONDITIONS
17 BECAUSE OF RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX,
18 HEIGHT, WEIGHT, OR MARITAL STATUS.

19 (2) This section ~~shall not be construed to~~ DOES NOT pro-
20 hibit the establishment or implementation of a bona fide retire-
21 ment policy or system that is not a subterfuge to evade the pur-
22 poses of this section.

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

25 Enacting section 1. This amendatory act does not take
26 effect unless Senate Bill No. _____ or House Bill No. _____

1 (request no. 0085'97) of the 89th Legislature is enacted into
2 law.