

HOUSE BILL No. 5299

October 21, 1997, Introduced by Reps. Kaza, Kukuk, Rocca, Goschka, Anthony, Brater, Gubow, Bodem, Ciaramitaro and Green and referred to the Committee on Constitutional and Civil Rights.

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending sections 202, 203, and 205 (MCL 37.2202, 37.2203, and
37.2205), 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

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

15 (2) IF BOTH OF THE FOLLOWING CONDITIONS ARE MET, AN EMPLOYER
16 SHALL NOT PENALIZE AN EMPLOYEE BECAUSE THAT EMPLOYEE ELECTS NOT
17 TO WORK ON A HOLIDAY ESTABLISHED BY HIS OR HER RELIGION:

18 (A) THE EMPLOYEE GIVES THE EMPLOYER AT LEAST 1 WEEK'S
19 ADVANCE NOTICE OF HIS OR HER INTENT NOT TO WORK ON THE HOLIDAY
20 ESTABLISHED BY HIS OR HER RELIGION.

21 (B) THE EMPLOYEE IS NOT REQUIRED TO BE PAID FOR THE RELI-
22 GIOUS HOLIDAY PERIOD THAT HE OR SHE ELECTS NOT TO WORK.

23 (3) ~~-(2)-~~ This section shall not be construed to prohibit
24 the establishment or implementation of a bona fide retirement
25 policy or system that is not a subterfuge to evade the purposes
26 of this section.

1 (4) ~~—(3)—~~ This section does not apply to the employment of
2 an individual by his or her parent, spouse, or child.

3 (5) AS USED IN SUBSECTION (2), "RELIGION" MEANS CHRISTI-
4 ANITY, JUDAISM, ISLAM, HINDUISM, BUDDHISM, OR CONFUCIANISM.

5 Sec. 203. (1) An employment agency shall not fail or refuse
6 to procure, refer, recruit, or place for employment, or otherwise
7 discriminate against, an individual because of religion, race,
8 color, national origin, age, sex, height, weight, or marital
9 status; or classify or refer for employment an individual on the
10 basis of religion, race, color, national origin, age, sex,
11 height, weight, or marital status.

12 (2) IF BOTH OF THE FOLLOWING CONDITIONS ARE MET, AN EMPLOY-
13 MENT AGENCY SHALL NOT PENALIZE AN INDIVIDUAL BECAUSE THAT INDI-
14 VIDUAL ELECTS NOT TO WORK ON A HOLIDAY ESTABLISHED BY HIS OR HER
15 RELIGION:

16 (A) THE INDIVIDUAL GIVES THE EMPLOYMENT AGENCY AT LEAST 1
17 WEEK'S ADVANCED NOTICE OF HIS OR HER INTENT NOT TO WORK ON THE
18 HOLIDAY ESTABLISHED BY HIS OR HER RELIGION.

19 (B) THE INDIVIDUAL IS NOT REQUIRED TO BE PAID FOR THE RELI-
20 GIOUS HOLIDAY PERIOD THAT HE OR SHE ELECTS NOT TO WORK.

21 (3) AS USED IN SUBSECTION (2), "RELIGION" MEANS CHRISTI-
22 ANITY, JUDAISM, ISLAM, HINDUISM, BUDDHISM, OR CONFUCIANISM.

23 Sec. 205. (1) An employer, labor organization, or joint
24 labor-management committee controlling an ON-THE-JOB apprentice-
25 ship ~~—, on the job,~~ or other training or retraining program ~~—,~~
26 shall not discriminate against an individual because of religion,
27 race, color, national origin, age, sex, height, weight, or

1 marital status, in admission to, or employment or continuation
2 in, a program established to provide ON-THE-JOB apprenticeship
3 ~~on the job,~~ or other training or retraining.

4 (2) IF BOTH OF THE FOLLOWING CONDITIONS ARE MET, AN EMPLOY-
5 ER, LABOR ORGANIZATION, OR JOINT LABOR-MANAGEMENT COMMITTEE CON-
6 TROLLING AN ON-THE-JOB APPRENTICESHIP PROGRAM OR OTHER TRAINING
7 OR RETRAINING PROGRAM SHALL NOT PENALIZE AN INDIVIDUAL BECAUSE
8 THAT INDIVIDUAL ELECTS NOT TO WORK ON A HOLIDAY ESTABLISHED BY
9 HIS OR HER RELIGION:

10 (A) THE INDIVIDUAL GIVES THE EMPLOYER, LABOR ORGANIZATION,
11 OR JOINT LABOR MANAGEMENT COMMITTEE CONTROLLING THE PROGRAM AT
12 LEAST 1 WEEK'S ADVANCE NOTICE OF HIS OR HER INTENT NOT TO WORK ON
13 THE RELIGIOUS HOLIDAY.

14 (B) THE INDIVIDUAL IS NOT REQUIRED TO BE PAID FOR THE RELI-
15 GIOUS HOLIDAY PERIOD THAT HE OR SHE ELECTS NOT TO WORK.

16 (3) AS USED IN SUBSECTION (2), "RELIGION" MEANS CHRISTI-
17 ANITY, JUDAISM, ISLAM, HINDUISM, BUDDHISM, OR CONFUCIANISM.