

SENATE BILL NO. 615

June 24, 1997, Introduced by Senators DUNASKISS, SHUGARS,
BULLARD, EMMONS and MC MANUS and referred to the
Committee on Local, Urban and State Affairs.

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending sections 202, 203, and 402 (MCL 37.2202, 37.2203, and
37.2402), section 202 as amended by 1991 PA 11 and section 402 as
amended by 1993 PA 216.

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.

1 (b) Limit, segregate, or classify an employee or applicant
2 for employment in a way that deprives or tends to deprive the
3 employee or applicant of an employment opportunity, or otherwise
4 adversely affects the status of an employee or applicant because
5 of religion, race, color, national origin, age, sex, height,
6 weight, or marital status.

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

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

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

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

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

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

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

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

17 Sec. 402. (1) An educational institution shall not do any
18 of the following:

19 (a) Discriminate against an individual in the full utiliza-
20 tion of or benefit from the institution, or the services, activi-
21 ties, or programs provided by the institution because of reli-
22 gion, race, color, national origin, or sex.

23 (b) Exclude, expel, limit, or otherwise discriminate against
24 an individual seeking admission as a student or an individual
25 enrolled as a student in the terms, conditions, or privileges of
26 the institution, because of religion, race, color, national
27 origin, or sex.

1 (c) For purposes of admission only, make or use a written or
2 oral inquiry or form of application that elicits or attempts to
3 elicit information concerning the religion, race, color, national
4 origin, age, sex, or marital status of a person, except as per-
5 mitted by rule of the commission or as required by federal law,
6 rule, or regulation, or pursuant to an affirmative action
7 program.

8 (d) Print or publish or cause to be printed or published a
9 catalog, notice, or advertisement indicating a preference, limi-
10 tation, specification, or discrimination based on the religion,
11 race, color, national origin, or sex of an applicant for admis-
12 sion to the educational institution.

13 (e) Announce or follow a policy of denial or limitation
14 through a quota or otherwise of educational opportunities of a
15 group or its members because of religion, race, color, national
16 origin, or sex.

17 (F) ADJUST A TEST SCORE, USE A DIFFERENT TEST OR CUT-OFF
18 SCORE, OR OTHERWISE ALTER THE RESULTS OF A TEST ON THE BASIS OF
19 RELIGION, RACE, COLOR, NATIONAL ORIGIN, OR GENDER FOR THE PURPOSE
20 OF SELECTING AN INDIVIDUAL FOR ADMISSION INTO THAT EDUCATIONAL
21 INSTITUTION, DETERMINING CLASS RANK OR CLASS STATUS OF AN INDI-
22 VIDUAL, DETERMINING AN INDIVIDUAL'S ELIGIBILITY TO PARTICIPATE IN
23 ANY PROGRAM OF THAT EDUCATIONAL INSTITUTION, OR GRANTING FINAN-
24 CIAL ASSISTANCE TO AN INDIVIDUAL.

25 (2) AS USED IN THIS SECTION, "TEST SCORE" MEANS THE RESULT
26 OF A STANDARDIZED TEST USED FOR THE PURPOSE OF ADMISSION TO AN
27 INSTITUTION OF HIGHER EDUCATION.