

HOUSE BILL No. 5688

March 23, 2004, Introduced by Reps. Bieda, Whitmer and Lipsey and referred to the Committee on Employment Relations, Training and Safety.

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending section 202 (MCL 37.2202), 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
4 otherwise discriminate against an individual with respect to
5 employment, compensation, or a term, condition, or privilege of
6 employment ~~—~~ because of religion, race, color, national origin,
7 age, 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
11 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 ~~a~~
4 ~~person~~ **an individual** on the basis of sex with respect to a term,
5 condition, or privilege of employment, including, but not limited
6 to, a benefit plan or system.

7 ~~(d) Until January 1, 1994, require an employee of an~~
8 ~~institution of higher education who is serving under a contract~~
9 ~~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 (2) This section ~~shall not be construed to~~ **does not**
15 prohibit the establishment or implementation of a bona fide
16 retirement policy or system that is not a subterfuge to evade the
17 purposes of this section.

18 (3) The commission on pay equity is created in the Michigan
19 department of civil rights and is responsible for the development
20 of definitions of comparable wages, using the criteria
21 established in this section.

22 (4) The governor shall appoint the members of the commission
23 on pay equity. The commission is composed of the following
24 members:

25 (a) The director of the Michigan department of civil rights
26 or his or her designee.

27 (b) The director of the Michigan jobs commission or his or

1 her designee.

2 (c) A representative of the Michigan women's commission.

3 (d) A representative of the Michigan chamber of commerce.

4 (e) A representative of the Michigan AFL-CIO.

5 (f) A representative of the united auto workers.

6 (g) A representative of the Michigan small business
7 association.

8 (h) A representative of the national organization for women,
9 Michigan.

10 (i) A representative of the Michigan women's studies
11 association.

12 (5) The director of the Michigan department of civil rights
13 or his or her designee serves as the chairperson of the
14 commission on pay equity and has responsibility for convening the
15 meetings of the commission, setting the agenda for all meetings,
16 and preparing all minutes and reports of the work of the
17 commission.

18 (6) The commission on pay equity shall hold meetings and
19 hearings as necessary to develop definitions, models, and
20 guidelines for employers and employees on pay equity.

21 (7) The commission on pay equity shall present its findings
22 and recommendations to the legislature, the governor, and the
23 public by a date not later than 1 year after the governor
24 appoints its members.

25 (8) All meetings of the commission on pay equity are subject
26 to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and
27 the freedom of information act, 1976 PA 442, MCL 15.231 to

1 15.246.

2 (9) ~~—(3)—~~ This section does not apply to the employment of an
3 individual by his or her parent, spouse, or child.