

# HOUSE BILL No. 5746

February 23, 2006, Introduced by Reps. Sheltroun, Vagnozzi, Rocca, Miller, Farrah, Brown, Spade, Moore, Cushingberry, Gosselin, Acciavatti, Lemmons, Jr., Green, Polidori, Stahl and Waters and referred to the Committee on Employment Relations, Training, and Safety.

A bill to prohibit employers from making employment decisions based upon firearms ownership or licensing that is unrelated to employment; to prohibit retaliation; and to provide remedies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "employee firearms rights protection act".

3           Sec. 3. As used in this act:

4           (a) "Employee" means an individual who receives compensation  
5 for performing services for an employer under an express or implied  
6 contract of hire.

7           (b) "Employer" means an individual or entity that permits 1 or  
8 more individuals to work, accepts applications for employment, or  
9 is an agent of an employer.

10           (c) "Firearm" means a weapon from which a dangerous projectile

1 may be propelled by using explosives, gas, or air as a means of  
2 propulsion.

3       Sec. 5. (1) Except as provided in this section, an employer  
4 shall not fail or refuse to hire or recruit, discharge, or  
5 otherwise discriminate against an individual with respect to  
6 employment, compensation, or a term, condition, or privilege of  
7 employment because the individual is the owner of a firearm or is  
8 licensed to carry a firearm.

9       (2) The prohibition in subsection (1) does not prohibit an  
10 employer from taking an employment action based on any of the  
11 following:

12       (a) An activity or status that directly impairs an established  
13 bona fide occupational requirement or an employment activity or  
14 responsibility of a particular employee or a particular group of an  
15 employer's employees.

16       (b) An activity that takes place on property that the employer  
17 owns or leases or during the employee's work hours in violation of  
18 an established company policy.

19       (c) An activity or status that is addressed under state or  
20 federal law, regulation, or rule regulating the particular type of  
21 employment, if the employee's action or status is not in accord  
22 with the law, regulation, or rule.

23       Sec. 7. A person shall not retaliate or discriminate against a  
24 person because the person has done or was about to do any of the  
25 following:

26       (a) File a complaint under this act.

27       (b) Testify, assist, or participate in an investigation,

1 proceeding, or action concerning a violation of this act.

2 (c) Oppose a violation of this act.

3 Sec. 9. An employer shall not require an applicant or employee  
4 to waive any right under this act. An agreement by an applicant or  
5 employee to waive any right under this act is invalid and  
6 unenforceable.

7 Sec. 11. (1) A person who is injured by a violation of this  
8 act may bring a civil suit in a court of competent jurisdiction to  
9 obtain injunctive relief and damages.

10 (2) The court shall award costs and reasonable attorney fees  
11 to a person who prevails as a plaintiff in a suit authorized under  
12 subsection (1).