

# Legislative Analysis

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## COMPARABLE WORTH

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**House Bill 4625 without amendment**  
**Sponsor: Rep. Joan Bauer**

**House Bill 4626 (Substitute H-1)**  
**Sponsor: Rep. Pam Byrnes**

**House Bill 4627 (Substitute H-1)**  
**Sponsor: Rep. Kathleen Law**  
**Committee: Labor**

**Complete to 5-9-07**

## A SUMMARY OF HOUSE BILLS 4625-4627 AS REPORTED FROM COMMITTEE

House Bill 4625 would amend the Elliott-Larsen Civil Rights Act (MCL 37.2202) to prohibit an employer from failing or refusing to provide compensation equally for work of comparable value in terms of the composite skill, responsibility, effort, education or training, and working conditions because of religion, race, color, national origin, age, sex, height, weight, or marital status.

(The bill specifies that it would not prevent anyone from bringing or continuing a discrimination action based on the abovementioned factors before the bill's effective date if the action was based on conduct similar or identical to that prohibited in the bill.)

House Bill 4626 would amend the Michigan Penal Code (MCL 700.556) to strike language that says, *No female shall be assigned any task disproportionate to her strength, nor shall she be employed in any place detrimental to her morals, her health, or her potential capacity for motherhood.* The bill also amends a provision in the code that makes it a misdemeanor for any employer . . . *employing both males and females* from discriminating on the basis of sex in the payment of wages. The bill would strike the italicized language. The bill would also provide a specific misdemeanor penalty for violations: imprisonment for not more than 90 days and/or pay a fine as follows (a) a person with 1 to 15 employees, up to \$500, (b) a person with 16 to 50 employees up to \$1,000 and (c) a person with more than 50 employees, up to \$2,000.

The bill would not prohibit the person from being charged with, convicted of, or punished for any other violation of law arising out of the violation of the section.

House Bill 4627 would amend the Elliott-Larsen Civil Rights Act (MCL 37.2102 et al.) by adding Section 202B to create a Commission on Pay Equity. The commission would be responsible for developing definitions of comparable wages. The commission would have to report its findings to the legislature, governor, and the public no later than one year after being appointed, after holding meetings and hearings as necessary to develop

definitions, models, and guidelines for employers and employees on pay equity. The Pay Equity Commission would be subject to the Open Meetings Act and the Freedom of Information Act.

The governor would appoint the commission, which would be composed of the directors of the Department of Civil Rights and the Michigan Economic Development Corporation (MEDC), as well as one representative each of the Michigan Women's Commission, the Chamber of Commerce, the AFL-CIO, the UAW, the Small Business Association, the National Organization of Women (Michigan), and the Michigan Women's Studies Association. The director of the Department of Civil Rights, or a designee, would serve as the chair of the commission.

#### **FISCAL IMPACT:**

The bills will result in a minor increase in state expenditures for the reimbursement of the allowable expenses of the new Pay Equity Commission.

House Bill 4626 would make no substantive change to the maximum jail term for violating the applicable section, and apparently would have no significant fiscal impact on local corrections systems. Misdemeanor sanctions are wholly a local responsibility, so any impact with regard to costs of misdemeanor probation supervision or costs of incarceration in the county jail, both of which vary with jurisdiction, would depend on how the bill affected numbers of misdemeanor convictions. Any increase in penal fine revenues under the bill could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

#### **POSITIONS:**

Department of Civil Rights supports House Bill 4625 and is neutral on House Bills 4626 and 4627. (5-8-07)

Michigan National Organization for Women supports the bills. (5-8-07)

National Association of Social Workers supports the bills. (5-8-07)

Farm Bureau opposes the bills. (5-8-07)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.