

Legislative Analysis



PROHIBIT EMPLOYERS FROM BASING DECISIONS ON ILLNESS OR HEALTH CONDITION OF FAMILY

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House Bill 4927

Sponsor: Rep. Kathleen Law

Committee: Labor

Complete to 6-18-07

A SUMMARY OF HOUSE BILL 4927 AS INTRODUCED 6-14-07

The bill would create a new act, generally, to prohibit an employer from discriminating against an employee based on a known or believed illness or health condition of a member of the employee's family. The act would be known as the Employee Family Health Privacy Act.

Employers would be prohibited from (1) failing or refusing to hire or recruit, discharging, or otherwise discriminating with respect to employment, compensation, or a term, condition, or privilege of employment on the basis described above; and (2) inquiring as to the physical condition or health status of an employee's family member.

The prohibition would not apply to: an inquiry to obtain information to verify eligibility for sick leave; an inquiry to obtain information to verify eligibility for family and medical leave; or an inquiry to obtain information necessary to process an employee's health claim.

The bill also would prohibit retaliation or discrimination against an individual because he or she has, or is about to, file a complaint under the new act; testify, assist, or participate in an investigation, proceeding, or action concerning a violation of the act; or oppose a violation of the act. An employer could not require an applicant for employment or an employee to waive any right under the act. An agreement to waive a right would be invalid and unenforceable.

An individual injured by a violation of the act could bring a civil suit to obtain injunctive relief or damages, or both. The court would award costs and reasonable attorney fees to a prevailing plaintiff.

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the judiciary; the fiscal impact would depend on how the bill increased civil court caseloads and any related administrative costs.

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