

SENATE BILL No. 464

April 26, 2007, Introduced by Senators CLARKE, CLARK-COLEMAN, GLEASON, BASHAM, WHITMER, HUNTER, SCHAUER, SWITALSKI, JACOBS and BRATER and referred to the Committee on Commerce and Tourism.

A bill to prohibit employers from making employment decisions based upon political activity 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 political activity 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) "Political activity" means an activity that is undertaken

1 individually or as a member of a group to influence public opinion
2 or a governmental official or body concerning a matter of public
3 interest.

4 Sec. 5. (1) Except as provided in this section, an employer
5 shall not fail or refuse to hire or recruit, discharge, or
6 otherwise discriminate against an individual with respect to
7 employment, compensation, or a term, condition, or privilege of
8 employment because the individual engages in, or is regarded as
9 engaging in, lawful partisan or nonpartisan political activity that
10 is both off the employer's premises and during nonwork hours.

11 (2) The prohibition in subsection (1) does not apply to any of
12 the following:

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

17 (b) An activity that involves use of property that the
18 employer owns or leases in violation of an established company
19 policy.

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

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

27 (a) File a complaint under this act.

1 (b) Testify, assist, or participate in an investigation,
2 proceeding, or action concerning a violation of this act.

3 (c) Oppose a violation of this act.

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

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

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