

HOUSE BILL No. 4327

February 18, 2009, Introduced by Reps. Young, Johnson, Rick Jones, Melton, Warren, Durhal, Bettie Scott and Switalski and referred to the Committee on Labor.

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 following:

2 (a) Fail or refuse to hire or recruit, discharge, or otherwise
3 discriminate against an individual with respect to employment,
4 compensation, or a term, condition, or privilege of employment,
5 because of religion, race, color, national origin, age, sex,
6 height, weight, or marital status.

7 (b) Limit, segregate, or classify an employee or applicant for
8 employment in a way that deprives or tends to deprive the employee
9 or applicant of an employment opportunity, or otherwise adversely
10 affects the status of an employee or applicant because of religion,

1 race, color, national origin, age, sex, height, weight, or marital
2 status.

3 (c) Segregate, classify, or otherwise discriminate against a
4 person on the basis of sex with respect to a term, condition, or
5 privilege of employment, including, but not limited to, a benefit
6 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 of~~
9 ~~unlimited tenure, or similar arrangement providing for unlimited~~
10 ~~tenure, to retire from employment on the basis of the employee's~~
11 ~~age. As used in this subdivision, "institution of higher education"~~
12 ~~means a public or private university, college, community college,~~
13 ~~or junior college located in this state.~~

14 (D) TREAT AN INDIVIDUAL AFFECTED BY PREGNANCY, CHILDBIRTH, OR
15 A RELATED MEDICAL CONDITION DIFFERENTLY FOR ANY EMPLOYMENT RELATED
16 PURPOSE FROM ANOTHER INDIVIDUAL NOT SO AFFECTED BUT SIMILAR IN
17 ABILITY OR INABILITY TO WORK, WITHOUT REGARD TO THE SOURCE OF ANY
18 CONDITION AFFECTING THE OTHER INDIVIDUAL'S ABILITY OR INABILITY TO
19 WORK.

20 (2) This section ~~shall not be construed to~~ DOES NOT prohibit
21 the establishment or implementation of a bona fide retirement
22 policy or system that is not a subterfuge to evade the purposes of
23 this section.

24 (3) This section does not apply to the employment of an
25 individual by his or her parent, spouse, or child.