



# HOUSE BILL No. 5498

December 28, 1995, Introduced by Reps. Lowe, Geiger, Kaza, Cropsey and Jaye and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 202 of Act No. 453 of the Public Acts of 1976, entitled as amended "Elliott-Larsen civil rights act," as amended by Act No. 11 of the Public Acts of 1991, being section 37.2202 of the Michigan Compiled Laws.

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

1 Section 1. Section 202 of Act No. 453 of the Public Acts of  
2 1976, as amended by Act No. 11 of the Public Acts of 1991, being  
3 section 37.2202 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 202. (1) ~~An~~ SUBJECT TO SUBSECTION (3), AN employer  
6 shall not do any of the following:

7 (a) Fail or refuse to hire or recruit, discharge, or  
8 otherwise discriminate against an individual with respect to  
9 employment, compensation, or a term, condition, or privilege of

1 employment, because of religion, race, color, national origin,  
2 age, sex, height, weight, or marital status.

3 (b) Limit, segregate, or classify an employee or applicant  
4 for employment in a way that deprives or tends to deprive the  
5 employee or applicant of an employment opportunity, or otherwise  
6 adversely affects the status of an employee or applicant because  
7 of religion, race, color, national origin, age, sex, height,  
8 weight, or marital status.

9 (c) Segregate, classify, or otherwise discriminate against a  
10 person on the basis of sex with respect to a term, condition, or  
11 privilege of employment, including, but not limited to, a benefit  
12 plan or system.

13 ~~(d) Until January 1, 1994, require an employee of an insti-~~  
14 ~~tution of higher education who is serving under a contract of~~  
15 ~~unlimited tenure, or similar arrangement providing for unlimited~~  
16 ~~tenure, to retire from employment on the basis of the employee's~~  
17 ~~age. As used in this subdivision, "institution of higher~~  
18 ~~education" means a public or private university, college, commu-~~  
19 ~~nity college, or junior college located in this state.~~

20 (2) This section ~~shall not be construed to~~ DOES NOT pro-  
21 hibit the establishment or implementation of a bona fide retire-  
22 ment policy or system that is not a subterfuge to evade the pur-  
23 poses of this section.

24 (3) This section does not apply to ~~the~~ EITHER OF THE  
25 FOLLOWING:

26 (A) THE employment of an individual by his or her parent,  
27 spouse, or child.

1 (B) AN EDUCATIONAL INSTITUTION THAT HIRES OR EMPLOYS AN  
2 INDIVIDUAL ON THE BASIS OF THE INDIVIDUAL'S RELIGION, IF 1 OF THE  
3 FOLLOWING CONDITIONS IS MET:

4 (i) THE EDUCATIONAL INSTITUTION IS WHOLLY OR SUBSTANTIALLY  
5 OWNED, SUPPORTED, CONTROLLED, OR MANAGED BY AN ORGANIZATION, COR-  
6 PORATION, ASSOCIATION, OR SOCIETY OF THE PARTICULAR RELIGION.

7 (ii) THE CURRICULUM OF THE EDUCATIONAL INSTITUTION IS  
8 DIRECTED TOWARD THE PROPOGATION OF THE PARTICULAR RELIGION.

9 (4) AS USED IN THIS SECTION, "EDUCATIONAL INSTITUTION" MEANS  
10 THAT TERM AS DEFINED IN SECTION 401.