

SENATE BILL NO. 878

February 17, 1998, Introduced by Senators BENNETT, CISKY, MILLER, BOUCHARD, GEAKE, BULLARD, GAST, MC MANUS, DUNASKISS, SCHUETTE, ROGERS and JAYE and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending the title and section 202 (MCL 37.2202), the title as
amended by 1992 PA 258 and section 202 as amended by 1991 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

2 An act to define civil rights; to prohibit discriminatory
3 practices, policies, and customs in the exercise of those rights
4 based upon religion, race, color, national origin, age, sex,
5 height, weight, familial status, or marital status; TO PROHIBIT
6 CERTAIN DISCRIMINATORY PRACTICES RELATING TO EMPLOYMENT; to pre-
7 serve the confidentiality of records regarding arrest, detention,
8 or other disposition in which a conviction does not result; to
9 prescribe the powers and duties of the civil rights commission
10 and the department of civil rights; to provide remedies and

1 penalties; to provide for fees; and to repeal ~~certain~~ acts and
2 parts of acts.

3 Sec. 202. (1) An employer shall not do any of the
4 following:

5 (a) Fail or refuse to hire or recruit, discharge, or other-
6 wise discriminate against an individual with respect to employ-
7 ment, compensation, or a term, condition, or privilege of employ-
8 ment, because of religion, race, color, national origin, age,
9 sex, height, weight, or marital status.

10 (b) Limit, segregate, or classify an employee or applicant
11 for employment in a way that deprives or tends to deprive the
12 employee or applicant of an employment opportunity, or otherwise
13 adversely affects the status of an employee or applicant because
14 of religion, race, color, national origin, age, sex, height,
15 weight, or marital status.

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

20 (d) ~~Until January 1, 1994, require an employee of an insti-~~
21 ~~tution of higher education who is serving under a contract of~~
22 ~~unlimited tenure, or similar arrangement providing for unlimited~~
23 ~~tenure, to retire from employment on the basis of the employee's~~
24 ~~age. As used in this subdivision, "institution of higher~~
25 ~~education" means a public or private university, college, commu-~~
26 ~~nity college, or junior college located in this state. IF THE~~
27 EMPLOYER IS A POLITICAL SUBDIVISION, INTERFERE WITH THE RESIDENCY

1 CHOICES OF AN EMPLOYEE OR APPLICANT BY REQUIRING THE EMPLOYEE OR
2 APPLICANT TO RESIDE WITHIN THE POLITICAL SUBDIVISION AS A CONDI-
3 TION OF EMPLOYMENT OR PROMOTION. HOWEVER, THIS SUBDIVISION DOES
4 NOT APPLY TO THE EMPLOYMENT OF AN INDIVIDUAL THAT RESULTS FROM
5 THE INDIVIDUAL'S ELECTION TO PUBLIC OFFICE.

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

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