

SENATE BILL No. 489

April 29, 2009, Introduced by Senators WHITMER, BRATER, PRUSI, JACOBS, CLARKE, ANDERSON, CLARK-COLEMAN, SWITALSKI, SCOTT, CHERRY and OLSHOVE and referred to the Committee on Commerce and Tourism.

A bill to amend 1931 PA 328, entitled
 "The Michigan penal code,"
 by amending section 556 (MCL 750.556).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 556. (1) ~~Any~~ **AN** employer of labor in this state,
 2 ~~employing both males and females, who~~ shall **NOT** discriminate in any
 3 way in the payment of wages ~~as between sexes~~ **INDIVIDUALS OF**
 4 **DIFFERENT GENDERS** who are similarly employed. ~~shall be~~

5 (2) **A PERSON WHO VIOLATES THIS SECTION IS** guilty of a
 6 misdemeanor **PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR**
 7 **THE FINE SET FORTH IN SUBSECTION (3), OR BOTH IMPRISONMENT AND THE**
 8 **FINE SET FORTH IN SUBSECTION (3).** ~~No female shall be assigned any~~
 9 ~~task disproportionate to her strength, nor shall she be employed in~~

1 ~~any place detrimental to her morals, her health or her potential~~
2 ~~capacity for motherhood. Any~~

3 (3) THE COURT MAY ORDER THE PERSON CONVICTED OF VIOLATING THIS
4 SECTION TO PAY A FINE AS FOLLOWS:

5 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B):

6 (i) IF THE PERSON HAS 1 TO 15 EMPLOYEES, NOT MORE THAN
7 \$5,000.00.

8 (ii) IF THE PERSON HAS 16 TO 50 EMPLOYEES, NOT MORE THAN
9 \$10,000.00.

10 (iii) IF THE PERSON HAS MORE THAN 50 EMPLOYEES, NOT MORE THAN
11 \$15,000.00.

12 (B) FOR A THIRD OR SUBSEQUENT VIOLATION OF THIS SECTION:

13 (i) IF THE PERSON HAS 1 TO 15 EMPLOYEES, NOT MORE THAN
14 \$15,000.00.

15 (ii) IF THE PERSON HAS 16 TO 50 EMPLOYEES, NOT MORE THAN
16 \$20,000.00.

17 (iii) IF THE PERSON HAS MORE THAN 50 EMPLOYEES, NOT MORE THAN
18 \$25,000.00.

19 (4) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING
20 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF
21 LAW ARISING OUT OF THE VIOLATION OF THIS SECTION.

22 (5) A difference in wage rates based upon a factor other than
23 ~~sex shall~~ GENDER DOES not violate this section.