

SENATE BILL NO. 902

February 24, 2022, Introduced by Senators ALEXANDER, HOLLIER, HERTEL, GEISS, BAYER, CHANG, BULLOCK, MOSS, BRINKS, MCMORROW, WOJNO, POLEHANKI, IRWIN and MCCANN and referred to the Committee on Government Operations.

A bill to prohibit employers from making employment decisions based on certain factors that are unrelated to employment; to prohibit certain inquiries; to prohibit retaliation; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "employee family health
2 privacy act".

3 Sec. 3. As used in this act:

4 (a) "Employee" means an individual who receives compensation

1 for performing services for an employer under an express or implied
2 contract of hire.

3 (b) "Employer" means an individual or entity that permits 1 or
4 more individuals to work, or that accepts applications for
5 employment, or is an agent of an employer.

6 Sec. 5. (1) Subject to subsection (2), an employer shall not
7 do either of the following:

8 (a) Discharge, fail or refuse to hire or recruit, or otherwise
9 discriminate against an individual with respect to employment,
10 compensation, or a term, condition, or privilege of employment
11 because of a known or believed illness or health condition of a
12 member of the individual's family.

13 (b) Inquire as to the physical condition or health status of a
14 member of an employee's family.

15 (2) Subsection (1) does not prohibit an employer from making
16 any of the following inquiries:

17 (a) An inquiry to obtain information necessary to verify an
18 employee's eligibility for use of sick leave.

19 (b) An inquiry to obtain information necessary to verify an
20 employee's eligibility for family and medical leave.

21 (c) An inquiry to obtain information necessary to process an
22 employee's health coverage claim.

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

26 (a) Testify, assist, or participate in an investigation,
27 proceeding, or action concerning a violation of this act.

28 (b) Oppose a violation of this act.

29 Sec. 9. An employer shall not require an individual to waive

1 any right under this act. An agreement by an individual to waive
2 any right under this act is invalid and unenforceable.

3 Sec. 11. (1) A person who is injured by a violation of this
4 act may bring a civil action to obtain injunctive relief and
5 damages.

6 (2) The court shall award costs and reasonable attorney fees
7 to a person who prevails as a plaintiff in an action authorized
8 under subsection (1).

9 Sec. 13. This act applies to a collective bargaining agreement
10 or employment agreement entered into, renewed, or extended on or
11 after the effective date of this act.