

HOUSE BILL No. 5850

May 12, 1998, Introduced by Reps. Thomas, Brater, Martinez, DeHart, Schroer, Anthony, Gire, McNutt, Ciaramitaro, Gubow, Bodem, Hale, DeVuyst, Schauer, Profit, Johnson, Vaughn, London, Parks, Agee, Scott, Prusi, Godchaux, Voorhees, Green, LaForge, Raczkowski and Perricone and referred to the Committee on Health Policy.

A bill to amend 1976 PA 220, entitled
"Persons with disabilities civil rights act,"
by amending section 202 (MCL 37.1202), as amended by 1998 PA 20.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 202. (1) An employer shall not:
- 2 (a) Fail or refuse to hire, recruit, or promote an individ-
- 3 ual because of a disability that is unrelated to the individual's
- 4 ability to perform the duties of a particular job or position.
- 5 (b) Discharge or otherwise discriminate against an individ-
- 6 ual with respect to compensation or the terms, conditions, or
- 7 privileges of employment, because of a disability that is unre-
- 8 lated to the individual's ability to perform the duties of a par-
- 9 ticular job or position.
- 10 (c) Limit, segregate, or classify an employee or applicant
- 11 for employment in a way which deprives or tends to deprive an

1 individual of employment opportunities or otherwise adversely
2 affects the status of an employee because of a disability that is
3 unrelated to the individual's ability to perform the duties of a
4 particular job or position.

5 (d) Fail or refuse to hire, recruit, or promote an individ-
6 ual on the basis of physical or mental examinations that are not
7 directly related to the requirements of the specific job.

8 (e) Discharge or take other discriminatory action against an
9 individual on the basis of physical or mental examinations that
10 are not directly related to the requirements of the specific
11 job.

12 (f) Fail or refuse to hire, recruit, or promote an individ-
13 ual when adaptive devices or aids may be utilized thereby ena-
14 bling that individual to perform the specific requirements of the
15 job.

16 (g) Discharge or take other discriminatory action against an
17 individual when adaptive devices or aids may be utilized thereby
18 enabling that individual to perform the specific requirements of
19 the job.

20 (H) OFFER OR PROVIDE, EITHER DIRECTLY OR BY CONTRACT, A
21 HEALTH, DISABILITY, OR OTHER BENEFIT THAT IMPOSES A BURDEN OR
22 LIMITATION ON THE EMPLOYEE FOR MENTAL HEALTH SERVICES THAT IS
23 GREATER THAN THE BURDEN OR LIMITATION IMPOSED ON THE EMPLOYEE FOR
24 PHYSICAL HEALTH SERVICES.

25 (2) This section shall not apply to the employment of an
26 individual by his parent, spouse, or child.