

HOUSE BILL No. 4339

February 25, 1999, Introduced by Reps. Martinez, Brater, Baird, Lemmons, Jacobs, Price, Tesanovich, Scott, DeHart, Bogardus, Cherry, Jamnick, Garza, Clark, Reeves, Hardman, Quarles, Dennis, Hale, Schermesser, Gielegem, Rivet, Kilpatrick, Woodward, Lockwood and Thomas and referred to the Committee on Employment Relations, Training and Safety.

A bill to amend 1976 PA 220, entitled "Persons with disabilities civil rights act," by amending sections 201 and 202 (MCL 37.1201 and 37.1202), section 201 as amended by 1990 PA 121 and section 202 as amended by 1998 PA 20.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 201. As used in this article:

2 (A) "COMPENSATION" MEANS ALL EARNINGS OF AN EMPLOYEE,
3 INCLUDING WAGES AND BENEFITS, WHETHER DETERMINED ON THE BASIS OF
4 TIME, TASK, PIECE, COMMISSION, OR OTHER METHOD OF CALCULATION FOR
5 LABOR, SERVICES, OR WORK PERFORMED.

6 (B) ~~(a)~~ "Employee" does not include an individual employed
7 in domestic service of any person.

1 (C) ~~(b)~~ "Employer" means a person who has 1 or more
2 employees or a person who as A contractor or subcontractor ~~is~~
3 ~~furnishing~~ FURNISHES material or ~~performing~~ PERFORMS work for
4 the state or a governmental entity or agency of the state and
5 includes an agent of ~~such a~~ THAT person.

6 (D) ~~(c)~~ "Employment agency" means a person WHO regularly
7 ~~undertaking~~ UNDERTAKES, with or without compensation, to pro-
8 cure employees for an employer or to procure for employees oppor-
9 tunities to work for an employer and includes an agent of ~~such~~
10 ~~a~~ THAT person.

11 (E) ~~(d)~~ "Labor organization" ~~includes~~ MEANS:

12 (i) An organization of any kind, an agency or employee rep-
13 resentation committee, group, association, or plan in which
14 employees participate and ~~which~~ THAT exists for the purpose, in
15 whole or in part, of dealing with employers concerning griev-
16 ances, labor disputes, wages, rates of pay, hours, or other terms
17 or conditions of employment.

18 (ii) A conference, general committee, joint or system board,
19 or joint council ~~which~~ THAT is subordinate to a national or
20 international labor organization.

21 (iii) An agent of a labor organization.

22 Sec. 202. (1) An employer shall not:

23 (a) Fail or refuse to hire, recruit, or promote an individ-
24 ual because of a disability that is unrelated to the individual's
25 ability to perform the duties of a particular job or position.

26 (b) Discharge or otherwise discriminate against an
27 individual with respect to compensation or the terms, conditions,

1 or privileges of employment ~~—~~ because of a disability that is
2 unrelated to the individual's ability to perform the duties of a
3 particular job or position.

4 (c) Limit, segregate, or classify an employee or applicant
5 for employment in a way ~~which~~ THAT deprives or tends to deprive
6 an individual of AN employment ~~opportunities~~ OPPORTUNITY or
7 otherwise adversely affects the status of an employee because of
8 a disability that is unrelated to the individual's ability to
9 perform the duties of a particular job or position.

10 (d) Fail or refuse to hire, recruit, or promote an individ-
11 ual on the basis of A physical or mental ~~examinations~~
12 EXAMINATION that ~~are~~ IS not directly related to the require-
13 ments of the specific job.

14 (e) Discharge or take other discriminatory action against an
15 individual on the basis of A physical or mental ~~examinations~~
16 EXAMINATION that ~~are~~ IS not directly related to the require-
17 ments of the specific job.

18 (f) Fail or refuse to hire, recruit, or promote an individ-
19 ual ~~when~~ IF AN adaptive ~~devices or aids~~ DEVICE OR AID may be
20 utilized ~~thereby enabling~~ TO ENABLE that individual to perform
21 the specific requirements of the job.

22 (g) Discharge or take other discriminatory action against an
23 individual ~~when~~ IF AN adaptive ~~devices or aids~~ DEVICE OR AID
24 may be utilized ~~thereby enabling~~ TO ENABLE that individual to
25 perform the specific requirements of the job.

26 (H) FAIL OR REFUSE TO PROVIDE COMPENSATION EQUALLY FOR WORK
27 OF COMPARABLE VALUE IN TERMS OF THE COMPOSITE SKILL,

1 RESPONSIBILITY, EFFORT, HOURS WORKED, EXPERIENCE, SENIORITY,
2 EDUCATION OR TRAINING, AND WORKING CONDITIONS BECAUSE OF A DIS-
3 ABILITY THAT IS UNRELATED TO THE INDIVIDUAL'S ABILITY TO PERFORM
4 THE DUTIES OF A PARTICULAR JOB OR POSITION.

5 (2) This section ~~shall~~ DOES not apply to the employment of
6 an individual by his OR HER parent, spouse, or child.

7 (3) SUBSECTION (1)(H) DOES NOT TAKE EFFECT UNTIL BOTH OF THE
8 FOLLOWING CONDITIONS ARE MET:

9 (A) THE DIRECTOR OF THE DEPARTMENT OF CIVIL RIGHTS RECEIVES
10 A HOUSE RESOLUTION DESCRIBED IN SECTION 202 OF THE ELLIOTT-LARSEN
11 CIVIL RIGHTS ACT, 1976 PA 453, MCL 37.2202.

12 (B) THE LEGISLATURE ENACTS A DEFINITION, MODEL, AND GUIDE-
13 LINES RELATING TO PAY EQUITY AS DESCRIBED IN SECTION 202 OF THE
14 ELLIOTT-LARSEN CIVIL RIGHTS ACT, 1976 PA 453, MCL 37.2202.

15 Enacting section 1. This amendatory act does not take
16 effect unless Senate Bill No. _____ or House Bill No. _____
17 (request no. 00707'99) of the 90th Legislature is enacted into
18 law.