

# HOUSE BILL No. 4491

April 21, 2015, Introduced by Reps. Brinks, Sarah Roberts, Derek Miller, Liberati, Darany, Faris, Chang, Plawecki, Pagan, Smiley, Greig, Chirkun, Hovey-Wright, Durhal, Gay-Dagnogo, Banks, Love, Geiss, Moss, Cochran, Zemke, Townsend, Hoadley, Brunner, LaVoy, Irwin, Dillon, Garrett, Wittenberg, Guerra, Driskell and Singh and referred to the Committee on Commerce and Trade.

A bill to amend 2014 PA 138, entitled  
 "Workforce opportunity wage act,"  
 by amending section 13 (MCL 408.423).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 13. (1) An employer having employees subject to this act  
 2 shall not discriminate between employees ~~within an establishment on~~  
 3 the basis of **RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, sex,**  
 4 **SEXUAL ORIENTATION, HEIGHT, WEIGHT, FAMILIAL STATUS, OR MARITAL**  
 5 **STATUS** by paying wages to employees ~~in the establishment at a rate~~  
 6 less than the rate at which the employer pays ~~wages to employees of~~  
 7 ~~the opposite sex for equal~~ **AN EMPLOYEE OF ANOTHER RELIGION, RACE,**  
 8 **COLOR, NATIONAL ORIGIN, AGE, SEX, SEXUAL ORIENTATION, HEIGHT,**  
 9 **WEIGHT, FAMILIAL STATUS, OR MARITAL STATUS FOR** work on jobs, the  
 10 performance of which requires ~~equal~~ **EQUIVALENT** skill, effort, and  
 11 responsibility and that is performed under ~~similar~~ **COMPARABLE**

1 working conditions, except if the payment is made under 1 or more  
2 of the following:

3 (a) A seniority system.

4 (b) A merit system.

5 (c) A system that measures earnings by quantity or quality of  
6 production.

7 (d) A differential based on a ~~factor other than sex.~~ **BONA FIDE,**  
8 **JOB-RELATED FACTOR, SUCH AS JOB-RELATED EDUCATION, TRAINING,**  
9 **EXPERIENCE, OR MARKET CONDITIONS, AND NOT ON RELIGION, RACE, COLOR,**  
10 **NATIONAL ORIGIN, AGE, SEX, SEXUAL ORIENTATION, HEIGHT, WEIGHT,**  
11 **FAMILIAL STATUS, OR MARITAL STATUS.**

12 (2) An employer that is paying a wage differential in  
13 violation of this section shall not reduce the wage rate of an  
14 employee to comply with this section.

15 (3) For purposes of administration and enforcement, any amount  
16 owing to an employee that has been withheld in violation of this  
17 section is considered unpaid minimum wages under this act.

18 Enacting section 1. This amendatory act takes effect 90 days  
19 after the date it is enacted into law.