Chapter 37

CIVIL RIGHTS

CIVIL RIGHTS COMMISSION

Act 45 of 1963 (2nd Ex. Sess.)

37.1-37.9 Repealed. 1976, Act 453, Eff. Mar. 31, 1977.

STATEWIDE MEANINGFUL LANGUAGE ACCESS COORDINATION ACT

Act 242 of 2023

AN ACT to provide for the statewide coordination of meaningful language access to state services by individuals with limited English proficiency; to provide for the powers and duties of certain state governmental officers and entities; and to establish a process for submitting complaints and obtaining remedies for lack of meaningful language access and for denials of meaningful language access based on one's national origin.

History: 2023, Act 242, Eff. Feb. 28, 2024

The People of the State of Michigan enact:

37.11 Short title.

Sec. 1.

This act may be cited as the "statewide meaningful language access coordination act".

History: 2023, Act 242, Eff. Feb. 28, 2024

37.12 Definitions.

Sec. 2.

As used in this act:

(a) "Covered entity", "limited English proficiency", and "meaningful language access" mean those terms as defined in the meaningful language access to state services act.

(b) "Office of global Michigan" means that term as used in 2022 PA 166.

History: 2023, Act 242, Eff. Feb. 28, 2024

37.13 Office of global Michigan; powers and duties.

Sec. 3.

The office of global Michigan shall do all of the following:

(a) Coordinate steps taken by covered entities throughout this state to provide meaningful language access to public services pursuant to the meaningful language access to state services act.

(b) Designate at least 1 language access liaison to work with covered entities to train staff, develop resources, conduct outreach activities that inform the public of available language services, and facilitate compliance with the meaningful language access to state services act.

(c) Create a complaint form and a process for members of the public to use to report and pursue a remedy for instances of noncompliance with the meaningful language access to state services act. The complaint form created under this subdivision is subject to the translation requirements described in section 2(c) of the meaningful language access to state services act.

(d) In collaboration with the department of civil rights and consistent with section 602 of the Elliot-Larsen civil rights act, 1976 PA 453, MCL 37.2602, create a complaint process under which individuals who believe that they have been denied full and equal access to a covered entity because of their national origin may submit a complaint and seek a remedy against a covered entity.

History: 2023, Act 242, Eff. Feb. 28, 2024

37.14 Denial of full and equal access; complaint process; remedy.

Sec. 4.

Any individual who believes that they were denied full and equal access to a covered entity because of their national origin has the right to separately seek a remedy with the department of civil rights pursuant to the complaint process described in section 3(d).

History: 2023, Act 242, Eff. Feb. 28, 2024

MEANINGFUL LANGUAGE ACCESS TO STATE SERVICES ACT

Act 241 of 2023

AN ACT to facilitate access to state services by individuals with limited English proficiency; to provide for the powers and duties of certain state governmental officers and entities; and to provide for biennial reports concerning meaningful language access.

History: 2023, Act 241, Eff. Feb. 28, 2024

The People of the State of Michigan enact:

37.21 Short title; legislative intent; definitions.

Sec. 1.

(1) This act may be cited as the "meaningful language access to state services act".

(2) It is the intent of the legislature that in implementing this act each covered entity be guided by federal Executive Order No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000), and related implementing provisions of federal law, regulation, and guidance in providing language access services, whether or not the covered entity receives federal funding.

(3) As used in this act:

(a) "Covered entity" means a state department, agency, or entity.

(b) "Limited English proficiency" means the inability to understand or to effectively express oneself in spoken or written English as a result of one's national origin and the individual has not developed fluency in the English language.

(c) "Meaningful language access" means the ability to receive information and to participate in and benefit from public services offered by a covered entity.

(d) "Office of global Michigan" means that term as defined in the statewide meaningful language access coordination act.

(e) "Oral language services" includes various methods to provide verbal information and interpretation, such as staff interpreters, bilingual staff, telephone interpreter programs, televideo interpretation services, and private interpreter programs.

(f) "Vital documents" means printed or electronic documents that provide important information necessary to access or participate in services, programs, and activities of a covered entity, including, but not limited to, applications, outreach materials, and written notices of rights, denials, losses, or decreases in benefits or services.

History: 2023, Act 241, Eff. Feb. 28, 2024

37.22 Meaningful language access to public services; reasonable steps.

Sec. 2.

Each covered entity shall take reasonable steps to provide meaningful language access to public services for individuals with limited English proficiency. Reasonable steps include all of the following:

(a) Providing oral language services for individuals with limited English proficiency through face-to-face, in-house or telephonic oral language services. Oral language services provided under this act must be provided by individuals and through means with demonstrated competency in the appropriate language. Oral language services provided by a relative, friend, or bystander do not meet the requirements of this act and do not substitute for the duty to provide access to oral language services. However, the individual with limited English proficiency may choose to use an interpreter of the individual's choice, at the individual's expense, in place of or as a supplement to the oral language services the covered entity is required to provide.

(b) Having available sufficient, appropriate oral language services to provide meaningful language access, based on reliable data documenting the proportion of individuals with limited English proficiency eligible to be served or encountered by the agency and the frequency of encounters within the geographic area served, and taking into consideration the nature and importance of the program, activity, or service provided.

(c) Translating vital documents ordinarily provided to the public into all of the following languages and providing those translated documents to local offices as necessary:

(i) Every language spoken by a population with limited English proficiency that, based on reliable data, constitutes 3% or more of the overall population within the geographic area of the covered entity.

(ii) Every language spoken by a population with limited English proficiency that, based on reliable data, constitutes either of the following:

(A) 3% or more of those served by a local office of a covered entity.

(B) Even if less than 3%, 500 or more of those served by a local office of a covered entity. Local offices are encouraged but not required to translate vital documents into other languages for populations of less than the 3% or 500 thresholds described in this subparagraph, based on knowledge of the local community served.

(d) Designating a language access liaison who will report to the officer or employee designated by the office of global Michigan as responsible for statewide language access coordination.

(e) Any additional means necessary to achieve meaningful language access to public services.

History: 2023, Act 241, Eff. Feb. 28, 2024

37.23 Prohibition on charging for use of oral language services or translation.

Sec. 3.

A covered entity shall not charge individuals with limited English proficiency for the use of oral language services or translation.

History: 2023, Act 241, Eff. Feb. 28, 2024

37.24 Biennial report to office of global Michigan on implementation of meaningful language access to public services.

Sec. 4.

Not less than every 2 years, each covered entity shall develop and submit to the office of global Michigan a report with information and plans concerning implementation of meaningful language access to its services. The report must include, but is not limited to, all of the following:

(a) The number of bilingual staff who are available to facilitate meaningful language access and the languages they facilitate.

(b) The number of bilingual staff determined to be needed for each language to provide meaningful language access for the population with limited English proficiency it serves.

(c) A plan to address any insufficiency in its ability to provide meaningful language access.

(d) A list of vital documents that it has had translated and the language of the translation.

(e) Designation of an employee as its language access coordinator.

(f) A staff training plan related to meaningful language access. The staff training plan must include specific information regarding implementation, including the specific types of language services available and how the covered entity will do all of the following:

(i) Obtain language services internally or from vendors.

(ii) Respond to callers with limited English proficiency.

(iii) Respond to written communications from individuals with limited English proficiency.

(iv) Respond to individuals with limited English proficiency who have in-person contact with staff.

(v) Ensure competency of interpreters and translation services.

(vi) Collect preferred language data for all unique public encounters.

(vii) Indicate limited English proficiency status in data and information systems.

(viii) Communicate information to the language access coordinator about perceived changes in language services needed by the population served and when that information will be communicated.

(g) A plan to increase public awareness of the services provided to facilitate meaningful language access.

History: 2023, Act 241, Eff. Feb. 28, 2024

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1966-1

37.101 Executive reorganization order no. 1966-1; implementing the order of the state insurance commissioner to hospital service corporations requiring a non-discrimination agreement in contracts with participating hospitals.

WHEREAS on September 21, 1966 David J. Dykhouse, Commissioner of Insurance of the State of Michigan did issue an order requiring the Michigan Hospital Service, a nonprofit hospital service corporation, created under Act 109 of the Public Acts of 1939, as amended, to include a non-discrimination agreement in its contracts with participating hospitals, and

WHEREAS under such order it is necessary that investigations and hearings be conducted on any complaints that may arise under the provisions of such order to the Michigan Hospital Service, and

WHEREAS the Michigan Civil Rights Commission is fully staffed and best able to conduct such investigations and hearings;

THEREFORE, I, GEORGE ROMNEY, Governor of the State of Michigan, pursuant to the authority vested in me by Article 5, Section 2, of the Constitution of 1963, in order to obtain the most efficient administration of said order of the Commissioner of Insurance, do hereby order and direct as follows:

1. The function and responsibility for holding and conducting such investigations and hearings that may be necessary with respect to the complaints of subscribers arising out of the order of the Commissioner of Insurance, dated September 21, 1966, is hereby assigned to the Michigan Civil Rights Commission.

2. The function and responsibility for holding and conducting investigations and hearings as may be necessary with respect to complaints of subscribers arising out of the portion of contract between Michigan Hospital Service and any of its participating hospitals required by the above stated order by the Commissioner of Insurance is hereby assigned to the Michigan Civil Rights Commission.

3. All hearings authorized in numbers 1 and 2, above, shall be held in accordance with Article 5, Section 29, of the Constitution of 1963, and the established practices of the Michigan Civil Rights Commission.

4. The results of said investigations and hearings of the Michigan Civil Rights Commission, together with the findings made thereon with respect to any complaint which shall be made, shall be certified with the full record of such investigations and hearings by the Michigan Civil Rights Commission to the Commissioner of Insurance.

5. The responsibility, function, power, and discretion to act upon any findings which may be certified to him by the Michigan Civil Rights Commission does, and shall remain exclusively with the Commissioner of Insurance.

6. Nothing in this order shall in any respect derogate from the powers and duties, already exercised by the Michigan Civil Rights Commission under Michigan law.

History: 1966, E.R.O. No. 1966-1, Eff. Dec. 5, 1966
Compiler's Notes: This section was promulgated on September 21, 1966, as Executive Order No. 1966-8 and became effective December 5, 1966, pursuant to Executive Order No. 1966-8a.Act 109 of 1939, referred to in this section, was repealed by Act 350 of 1980.

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1991-20

37.111 Transfer of powers and duties of the Michigan women's commission, Indian affairs commission, commission on Spanish-Speaking affairs, and office of Spanish-Speaking affairs to the director of the department of civil rights.

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor

to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Michigan Women's Commission was created by Act No. 1 of the Public Acts of 1968, being Sections 10.71 et seq. of the Michigan Compiled Laws, and is currently located within the Department of Management and Budget; and

WHEREAS, the Indian Affairs Commission was created by Act No. 195 of the Public Acts of 1972, as amended, being Sections 16.711 et seq. of the Michigan Compiled Laws, and is currently located within the Department of Management and Budget; and

WHEREAS, the Commission on Spanish-Speaking Affairs and the Office of Spanish-Speaking Affairs were created by Act No.164 of the Public Acts of 1975, being Sections 18.301 et seq. of the Michigan Compiled Laws and are currently located within the Department of Management and Budget; and

WHEREAS, the functions, duties, and responsibilities assigned to the Michigan Women's Commission, the Indian Affairs Commission, the Commission on Spanish-Speaking Affairs and the Office of Spanish-Speaking Affairs can be more effectively organized and carried out under the supervision and direction of the head of the Department of Civil Rights; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

(1) All the statutory authority, powers, duties, functions, and responsibilities of the Michigan Women's Commission, the Indian Affairs Commission, the Commission on Spanish-Speaking Affairs and the Office of Spanish-Speaking Affairs are hereby transferred to the Director of the Department of Civil Rights, as head of the Department of Civil Rights, by a Type I transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

(2) The Director of the Department of Civil Rights shall administer the assigned functions so as to promote efficient administration.

(3) The Director of the Department of Management and Budget shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Civil Rights, and all prescribed functions of rule making, licensing, and registration, including the prescription of rules, regulations, standards, and adjudications, shall be transferred to the Director of the Department of Civil Rights.

(4) All records, personnel, property, and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the Michigan Women's Commission, the Indian Affairs Commission, the Commission on Spanish-Speaking Affairs and the Office of Spanish-Speaking Affairs for the activities transferred to the Department of Civil Rights by this Order are hereby transferred to the department of Civil Rights.

(5) The Director of the Department of Civil Rights shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

(6) The Director of the Department of Management and Budget and the Director of the Department of Civil Rights shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and State laws and regulations, or other obligations to be resolved by the Michigan Women's Commission, the Indian Affairs Commission, the Commission on Spanish-Speaking Affairs and the Office of Spanish-Speaking Affairs.

(7) All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

(8) Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective 60 days after the filing of this Executive Order.

History: 1991, E.R.O. No. 1991-20, Eff. Dec. 17, 1991

Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For restoration of the interagency council on Spanish-speaking affairs, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

37.113 Transfer of the Michigan women's commission from the department of civil rights to the department of labor and economic opportunity by a type I transfer; transfer of the Michigan council on educational opportunity for military children from the department of labor and economic opportunity to the department of education by a type II transfer.

During a series of conversations facilitated by the Michigan Womenâ€™s Commission across this state, the women of Michigan expressed directly to Governor Whitmer that economic security is the biggest barrier to achieving gender equity.

To achieve economic security, Michigan women overwhelmingly cite pay equity, available and affordable childcare, paid parental leave, and the need for more womenâ€”and a more diverse group of womenâ€”in leadership roles in government, business, academia, and nonprofits as priorities. They also highlight the need for more equitable and affordable access to the types of training and education that lead to better paying jobs. Across all conversations, Michigan women expressed the importance of centering the most marginalized communities and the most affected populations in every policy decision.

Achieving these priorities can best be addressed by collaboration between the Department of Labor and Economic Opportunity and the Michigan Womenâ€™s Commission. This partnership will broaden, strengthen, coordinate, and streamline efforts to achieve gender equity in the state, while at the same time building greater economic security for women.

The functions, duties, and responsibilities assigned to the Michigan Womenâ€™s Commission can be more effectively organized and carried out within the Department of Labor and Economic Opportunity.

It is necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of state government by transferring the Michigan Womenâ€™s Commission from the Department of Civil Rights to the Department of Labor and Economic Opportunity.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 2 of article 5 of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the governor considers necessary for efficient administration.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Transfer of the Michigan Womenâ€™s Commission to the Department of Labor and Economic Opportunity

(a) The positions of chairman and vice-chairman of the Michigan Women's Commission (the "Commission") are abolished.

(b) The executive director of the Commission shall be its chief executive officer, and shall provide executive direction and supervision of the Commissionâ€™s activities. The executive director shall serve as an ex officio member of the Commission.

(c) The governor shall designate a chairperson and a vice-chairperson of the Commission from among its members.

(d) The heads of the following departments and commissions, or their designees, shall serve as ex officio members of the Commission: Department of Civil Rights, Department of Education, Department of Labor and Economic Opportunity, Department of Health and Human Services, and Michigan Civil Service Commission.

(e) The Commission is transferred by Type I transfer to the Department of Labor and Economic Opportunity, including but not limited to its two full-time staff.

(f) The director of the Department of Civil Rights shall provide executive direction and supervision for the implementation of the transfer.

2. Definitions.

As used in this order:

(a) "Department of Civil Rights" means the principal department of state government created by section 475 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.575.

(b) "Department of Education" means the principal department of state government created by section 300 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.400.

(c) "Department of Health and Human Services" means the principal department of state government created by Executive Order 2015-4, MCL 400.227.

(d) "Department of Labor and Economic Opportunity" means the principal department of state government created by Executive Order 2019-13, MCL 125.1998.

(e) "Michigan Civil Service Commission" means the commission created by Section 5 of Article XI of the Michigan Constitution of 1963.

(f) "Michigan Council on Educational Opportunity for Military Children" means the council required by article 8 of section 1 of 2008 PA 160, MCL 3.1041.

(g) "Michigan Women's Commission" means the independent unit created by 1968 PA 1, as amended, MCL 10.71 et seq.

(h) "Type I transfer" means that term as defined in section 3(a) of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103(a).

(i) "Type II transfer" means that term as defined in section 3(b) of the Executive Organization Act of 1965, MCL 16.103(b).

3. Implementation and other matters.

(a) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.

(b) If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded, and the rest of the order should remain in effect as issued.

(c) The Michigan Council on Educational Opportunity for Military Children is transferred by Type II transfer from the Department of Labor and Economic Opportunity to the Department of Education. The director of the Department of Labor and Economic Opportunity shall provide executive direction and supervision for the implementation of the transfer.

(d) Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective November 1, 2020 at 12:01 a.m.

History: 2020, E.R.O. No. 2020-3, Eff. Nov. 1, 2020
Compiler's Notes: Executive Reorganization Order No. 2020-3 was promulgated August 26, 2020, as Executive Order No. 2020-171, Eff. Nov. 1, 2020.

ASIAN PACIFIC AMERICAN AFFAIRS COMMISSION ACT

Act 536 of 2008

AN ACT to create an Asian Pacific American affairs commission, an office of Asian Pacific American affairs, and an interagency council on Asian Pacific American affairs; to prescribe their powers and duties; and to prescribe the powers and duties of certain agencies, departments, and officials.

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

The People of the State of Michigan enact:

37.121 Short title.

Sec. 1.

This act shall be known and may be cited as the "Asian Pacific American affairs commission act".

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

37.123 Definitions.

Sec. 3.

As used in this act:

(a) "Asian Pacific American" means a person who has origins in any of the original peoples of the far east, southeast Asia, the Indian subcontinent, or the Pacific islands; is identified by an employer in an EEO-1 report as Asian or Pacific islander; or is regarded in the community as having origins in any of the original peoples of the far east, southeast Asia, the Indian subcontinent, or the Pacific islands.

(b) "Commission" means the Asian Pacific American affairs commission created in section 5.

(c) "Department" means the department of energy, labor, and economic growth.

(d) "Director" means the director of the office of Asian Pacific American affairs.

(e) "Office" means the office of Asian Pacific American affairs created in section 13.

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

37.125 Asian Pacific American affairs commission; creation; election of chairperson and vice-chairperson; terms; vacancy; appointment.

Sec. 5.

(1) The Asian Pacific American affairs commission is created within the department of energy, labor, and economic growth. The commission shall exercise its powers and duties independently of the department except for budget, procurement, and housekeeping functions. The commission shall consist of 15 members to be appointed by the governor with the advice and consent of the senate. The commission shall elect a chairperson and vice-chairperson annually and shall elect other officers from its members as the commission considers appropriate.

(2) Members of the commission shall be individuals who have a particular interest or expertise in Asian or Pacific American concerns.

(3) Members of the commission shall serve for a term of 3 years or until a successor is appointed, whichever is later, except that of the members first appointed, 5 shall serve for 3 years, 5 shall serve for 2 years, and 5 shall serve for 1 year.

(4) If a vacancy occurs on the commission, the governor shall make an appointment for the balance of the unexpired term in the same manner as the original appointment.

(5) The governor shall appoint the commission within 90 days after the effective date of this act.

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

Compiler's Notes: For transfer the Asian Pacific American Affairs Commission to the new Asian Pacific Affairs Commission by type III transfer, see E.R.O. No. 2009-16, compiled at MCL 445.1992.For the transfer of the Asian Pacific American Affairs commission from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.For transfer of new Asian Pacific American affairs commission and office of Asian Pacific American affairs from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.For transfer of Asian Pacific American affairs commission and office of Asian Pacific American affairs from department of civil rights to department of licensing and regulatory affairs, see E.R.O. No. 2016-1, compiled at MCL 445.1993.For the revision of membership of the Asian Pacific American affairs commission, see E.R.O. No. 2024-2, compiled at MCL 16.735.

37.127 Bylaws; meetings; quorum; voting; compensation; administrative services; staff.

Sec. 7.

(1) Within 90 days after appointment and confirmation of all members, the commission shall adopt bylaws for the operation of the commission. The bylaws shall include, at a minimum, voting procedures and minimum requirements for attendance at meetings.

(2) The commission shall hold regular quarterly meetings at places and on dates as determined by the commission. Special meetings may be called by the chairperson or by not fewer than 8 commission members on 3 business days' actual notice.

(3) A majority of the commission members appointed and serving constitute a quorum for the transaction of business at a meeting of the commission. Official action by the commission shall be only by affirmative vote of a majority of the commission members appointed and serving. A commission member shall not vote by proxy.

(4) The legislature annually shall fix the per diem compensation of members of the commission. Expenses of members incurred in the performance of official duties shall be reimbursed as provided by law for state employees.

(5) The department shall furnish administrative services to the commission and shall provide secretarial and other staff necessary to allow the proper exercise of the powers and duties of the commission. The department shall provide adequate office space to the commission. The department shall make available the times and places of commission meetings and keep minutes of the meetings and a record of the actions of the commission.

(6) The department shall assign professional employees to staff the commission to assist the commission in the performance of its substantive responsibilities under this act.

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

37.129 Meetings held pursuant to open meetings act; writings subject to freedom of information act.

Sec. 9.

(1) A meeting of the commission shall be held pursuant to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(2) A writing prepared, owned, used, in the possession of, or retained by the commission or office in the performance of an official function shall be made available to the public pursuant to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

37.131 Commission; duties.

Sec. 11.

The commission shall do all of the following:

(a) Stimulate and encourage the study and review of the status of Asian Pacific Americans in this state.

(b) Develop a unified policy and plan of action to serve the needs of Asian Pacific Americans in this state.

(c) Advise the governor, the legislature, and the office concerning the coordination and administration of state programs serving Asian Pacific Americans.

(d) Make recommendations to the governor and legislature regarding changes in state programs, statutes, and policies.

(e) Advise the governor and legislature of the nature, magnitude, and priorities of the problems of Asian Pacific Americans in this state.

(f) Review and advise the governor and the legislature on this state's policies concerning Asian Pacific American affairs.

(g) Secure appropriate recognition of Asian Pacific American accomplishments and contributions to this state.

(h) Review and approve the annual report by the office of Asian Pacific American affairs as described in section 15(j).

(i) Make recommendations to the governor and legislature regarding methods of overcoming discrimination against Asian Pacific Americans in public and private employment and civil and political rights.

(j) Work to ensure equal access to all levels of education for Asian Pacific Americans.

(k) Promote methods to ensure equal access to state services for Asian Pacific Americans.

(l) Cooperate with and coordinate activities with the commission on Spanish-speaking affairs, the Michigan women's commission, and any other commission that deals with minority or ethnic affairs.

(m) Monitor, evaluate, investigate, advocate, and initiate programs for the betterment of Asian Pacific Americans in this state.

(n) Serve as a reporting agency for incidents of anti-Asian and anti-Pacific islander American harassment in this state.

(o) Promote public awareness of Asian and Pacific islander cultures.

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

37.133 Office of Asian Pacific American affairs; creation; director; administration services; staff; appropriation as condition.

Sec. 13.

(1) Subject to subsection (5), the office of Asian Pacific American affairs is created in the department of energy, labor, and economic growth.

(2) The commission shall select the director of the office with the concurrence of the director of the department of energy, labor, and economic growth in accordance with state civil service procedures.

(3) The department shall furnish administrative services to the office and shall provide secretarial and other staff necessary to allow the proper exercise of the powers and duties of the office. The department shall provide adequate office space to the office.

(4) The department shall assign professional employees to staff the office necessary to assist the office in the performance of its substantive responsibilities under this act.

(5) Creation of the office of Asian Pacific American affairs is contingent on an appropriation being made for that purpose.

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

Compiler's Notes: For transfer of new Asian Pacific American affairs commission and office of Asian Pacific American affairs from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.For transfer of Asian Pacific American affairs commission and office of Asian Pacific American affairs from department of civil rights to department of licensing and regulatory affairs, see E.R.O. No. 2016-1, compiled at MCL 445.1993.For the transfer of the Asian Pacific American Affairs commission from the department of licensing and regulatory affairs to the department of labor and economic opportunity and the abolishment

of the office of Asian Pacific American affairs and the position of its director, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

37.135 Office of Asian Pacific American affairs; duties.

Sec. 15.

The office shall do all of the following:

(a) Provide the commission with information concerning the problems of Asian Pacific Americans and implement commission policy.

(b) Conduct studies and recommend solutions to the problems of Asian Pacific Americans in the areas of education, employment, civil rights, health, housing, senior citizens, mental health, social service, commerce, and other related areas.

(c) Recommend to federal, state, and local governmental departments and agencies the creation of services and facilities as the commission considers appropriate.

(d) Serve as a reporting agency for the collection and distribution of information on Asian Pacific American affairs.

(e) Apply for and accept grants and gifts from governmental and private sources.

(f) Request the services of all state and local governmental departments and agencies to assure that Asian Pacific Americans have access to decision-making bodies, the policies of which affect Asian Pacific Americans in this state.

(g) Cooperate with departments and agencies to aid in effectuating the purposes of this act.

(h) Review the performance of state departments and agencies regarding the hiring and promotion of Asian Pacific Americans by state departments and agencies and the provision of services to Asian Pacific Americans by state departments and agencies.

(i) Review the curriculum, programs, and policies of elementary, secondary, and postsecondary educational institutions of this state regarding Asian Pacific Americans and the admissions programs and policies of postsecondary educational institutions of this state regarding Asian Pacific Americans.

(j) Submit a full written report of its activities and recommendations each year to the governor, legislature, and various Asian Pacific American communities throughout this state.

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

Compiler's Notes: For transfer of new Asian Pacific American affairs commission and office of Asian Pacific American affairs from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.For transfer of Asian Pacific American affairs commission and office of Asian Pacific American affairs from department of civil rights to department of licensing and regulatory affairs, see E.R.O. No. 2016-1, compiled at MCL 445.1993.For the transfer of the Asian Pacific American Affairs commission from the department of licensing and regulatory affairs to the department of labor and economic opportunity and the abolishment of the office of Asian Pacific American affairs and the position of its director, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

37.137 State interagency council on Asian Pacific American affairs; creation; membership; purpose.

Sec. 17.

(1) A state interagency council on Asian Pacific American affairs is created within the office.

(2) The council shall consist of:

(a) The director of the department of community health or his or her authorized representative.

(b) The director of the department of human services or his or her authorized representative.

(c) The director of the department of natural resources or his or her authorized representative.

(d) The superintendent of public instruction or his or her authorized representative.

(e) The state treasurer or his or her authorized representative.

(f) The director of the department of agriculture or his or her authorized representative.

(g) The state personnel director or his or her authorized representative.

(h) The executive director of the department of civil rights or his or her authorized representative.

(i) The attorney general or his or her authorized representative.

(j) The secretary of state or his or her authorized representative.

(k) The director of the department of corrections or his or her authorized representative.

(l) The executive director of the women's commission or his or her authorized representative.

(m) The director of management and budget or his or her authorized representative.

(n) The director of the department of energy, labor, and economic growth or his or her authorized representative.

(o) The chair of the state housing development authority or his or her authorized representative.

(3) The purpose of the interagency council is to coordinate and provide for the exchange of information on all programs relating to services for Asian Pacific American people. The interagency council shall also assist the office and commission in the development of an annual report which is to be submitted to the governor, the legislature, and Asian Pacific American communities throughout the state.

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

POLYGRAPH PROTECTION ACT OF 1981

Act 44 of 1982

AN ACT to prohibit employers and employment agencies from requiring polygraph examinations of employees and applicants for employment; to prohibit employers and employment agencies from discriminating against employees and applicants for employment because they refuse or decline to take a polygraph examination; to provide that an employer or employment agency shall not take any action against an employee because of an alleged or actual opinion that an employee did not tell the truth during a polygraph examination; to regulate the use of polygraph examinations by employers and employment agencies; to regulate the administration of polygraph examinations to employees and applicants for employment; and to provide remedies and penalties for violations of this act.

History: 1982, Act 44, Eff. Mar. 30, 1983

The People of the State of Michigan enact:

37.201 Short title.

Sec. 1.

This act shall be known and may be cited as the "polygraph protection act of 1981".

History: 1982, Act 44, Eff. Mar. 30, 1983

37.202 Definitions.

Sec. 2.

As used in this act:

(a) "Employee" means an individual who works for another person for compensation.

(b) "Employer" means a person who employs 1 or more persons or who accepts applications for employment, including an agent of an employer.

(c) "Employment agency" means a person regularly undertaking with or without compensation to procure, refer, recruit, or place for an employer or person the opportunity to work for an employer, and includes an agent of that person.

(d) "Examiner" means any person who does any of the following:

(i) Purports to detect deception, verify truthfulness, or provide a diagnostic opinion of either of these through instrumentation or the use of a mechanical device.

(ii) Represents that he or she can or does offer the service of detecting deception, verifying truthfulness, or

providing a diagnostic opinion of either of these through instrumentation or the use of a mechanical device.

(iii) Uses instrumentation or a mechanical device to measure or record an individual's bodily responses or psychophysiological activities to enable or assist the detection of deception, the verification of truthfulness, or the rendering of a diagnostic opinion regarding either of these.

(e) "Person" means an individual, firm, partnership, association, corporation, or other legal entity, this state or an agency of this state, or the federal government or an agency of the federal government.

(f) "Polygraph examination" means a psychological stress evaluator examination or any other procedure which involves the use of instrumentation or a mechanical device to enable or assist the detection of deception, the verification of truthfulness, or the rendering of a diagnostic opinion regarding either of these; including a lie detector test, psychological stress evaluator examination, or similar test.

(g) "Psychological stress evaluator" means any mechanical device or instrument which purports to determine the truth or falsity of statements made by an employee or applicant for employment on the basis of vocal fluctuations or vocal stress.

(h) "Psychological stress evaluator examination" means any of the following:

(i) The questioning or interviewing of an employee or applicant for employment for the purpose of subjecting the statements of the employee or applicant for employment to analysis by a psychological stress evaluator.

(ii) The recording of statements made by an employee or applicant for employment for the purpose of subjecting those statements to analysis by a psychological stress evaluator.

(iii) The analysis of statements made by an employee or applicant for employment for the purpose of determining the truth or falsity of the statements by the use of a psychological stress evaluator.

History: 1982, Act 44, Eff. Mar. 30, 1983

37.203 Employer or employment agency; prohibited conduct; voluntary request for examination by employee; requirements and prohibitions.

Sec. 3.

(1) Except as provided in this section, an employer or employment agency shall not as a condition of employment, promotion, or change in status of employment, or as an express or implied condition of a benefit or privilege of employment, do any of the following:

(a) Request or require that an employee or applicant for employment take or submit to a polygraph examination.

(b) Administer, cause to be administered, threaten to administer, or attempt to administer a polygraph examination to an employee or applicant for employment.

(c) Require that an employee or applicant for employment give an express or implied waiver of a practice prohibited by this act or section 19 of Act No. 295 of the Public Acts of 1972, as amended, being section 338.1719 of the Michigan Compiled Laws.

(2) This section does not prohibit an employee or applicant for employment from voluntarily requesting a polygraph examination.

(3) If an employee or applicant requests a polygraph examination, this section does not prohibit an employer or employment agency from administering a polygraph examination as provided in subsection (7).

(4) An employee or applicant for employment who voluntarily requests a polygraph examination shall receive from the employer or employment agency a copy of this section and section 19 of Act No. 295 of the Public Acts of 1972, as amended, before the employee or applicant for employment voluntarily takes the polygraph examination.

(5) An employer shall not refuse to hire an applicant for employment because the applicant refuses or declines a polygraph examination.

(6) If an employee or applicant for employment voluntarily requests a polygraph examination, an employer or employment agency shall not use or employ the services of an intern or an examiner who is not licensed under Act No. 295 of the Public Acts of 1972, as amended, being sections 338.1701 to 338.1729 of the Michigan Compiled Laws, for the detection of deception, verification of truthfulness, or measuring or recording the presence or absence of stress in the vocal response of the employee or applicant for employment.

(7) If an employee or applicant for employment voluntarily requests a polygraph examination, the examiner shall:

(a) Not ask questions that are prohibited under section 19(j) of Act No. 295 of the Public Acts of 1972, as amended.

(b) Inform the employee or applicant for employment of all specific question areas to be explored before their actual exploration during the examination.

(c) Inform the employee or applicant for employment of all of the following:

(i) The employee or applicant for employment has the right to accept or refuse the examination.

(ii) The employee or applicant for employment has the right to halt an examination in progress at any time.

(iii) The employee or applicant for employment is not required to answer any questions or give any information.

(iv) Any information the employee or applicant for employment volunteers could be used against the employee or applicant for employment, or made available to the employer, unless otherwise specified and agreed to in writing by the employee or applicant for employment.

(d) Provide the employee or applicant for employment with a copy of the examination results and all reports or analyses done by the examiner which are shared with the employer.

History: 1982, Act 44, Eff. Mar. 30, 1983

37.204 Employer or employment agency; prohibited action against employee or applicant.

Sec. 4.

An employer or employment agency shall not take any action against an employee or applicant for employment based upon an alleged or actual opinion that the employee or applicant for employment did not tell the truth during a polygraph examination.

History: 1982, Act 44, Eff. Mar. 30, 1983

37.205 Confidentiality.

Sec. 5.

An employer or employment agency shall not share with any other person information which communicates the results or analysis of an employee's or applicant's polygraph examination or the fact that an employee or applicant for employment refused to submit to a polygraph examination.

History: 1982, Act 44, Eff. Mar. 30, 1983

37.206 Information obtained from employee or applicant during examination; inadmissibility in criminal proceeding.

Sec. 6.

Any information obtained from an employee or applicant for employment during a polygraph examination shall not be admissible in a criminal proceeding.

History: 1982, Act 44, Eff. Mar. 30, 1983

37.207 Action for injunctive relief or damages; damages for injury or loss; attorney's fees; damages for discharge in violation of act.

Sec. 7.

(1) A person alleging a violation of this act may bring an action for injunctive relief or damages, or both.
(2) For purposes of this act, damages include damages for injury or loss caused by each violation of this act and reasonable attorney's fees.
(3) If an employee is discharged in violation of this act, damages for which the employer is liable under this section shall include double the wages lost.

History: 1982, Act 44, Eff. Mar. 30, 1983

37.208 Violation; penalty.

Sec. 8.

A person who violates this act is guilty of a misdemeanor, punishable by a fine of not more than $1,000.00, or by imprisonment for not more than 90 days, or both.

History: 1982, Act 44, Eff. Mar. 30, 1983

37.209 Conditional effective date.

Sec. 9.

This act shall not take effect unless the following House Bills of the 81st Legislature are enacted into law:
(a) House Bill No. 4403.
(b) House Bill No. 4404.

History: 1982, Act 44, Eff. Mar. 30, 1983
Compiler's Notes: House Bill No. 4403, referred to in this section, was approved by the Governor on March 17, 1982, and became P.A. 1982, No. 46, Eff. Mar. 30, 1983.House Bill No. 4404, also referred to in this section, was approved by the Governor on March 17, 1982, and became P.A. 1982, No. 45, Eff. Mar. 30, 1983.

BREASTFEEDING ANTIDISCRIMINATION ACT

Act 197 of 2014

AN ACT to prohibit discriminatory practices, policies, and customs in the exercise of the right to breastfeed and express human milk; to provide for enforcement of the right to breastfeed and express human milk; and to provide remedies.

History: 2014, Act 197, Imd. Eff. June 24, 2014 ;-- Am. 2024, Act 130, Imd. Eff. Oct. 8, 2024

The People of the State of Michigan enact:

37.231 Short title; definitions.

Sec. 1.

(1) This act shall be known and may be cited as the "breastfeeding antidiscrimination act".

(2) As used in this act:

(a) "Place of public accommodation" means a business, an educational institution, or a refreshment, entertainment, recreation, health, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

(b) "Public service" means a public facility, department, agency, board, or commission owned, operated, or managed by or on behalf of this state or a subdivision of this state, by a county, city, village, township, or independent or regional district in this state, or by a tax-exempt private agency established to provide service to the public, except that public service does not include a state or county correctional facility with respect to actions or decisions regarding an individual serving a sentence of imprisonment.

History: 2014, Act 197, Imd. Eff. June 24, 2014

37.232 Person with control over public accommodation or public service; prohibited conduct.

Sec. 2.

Unless expressly permitted by a state or federal statute or a regulation promulgated under a state or federal statute, a person with control over a place of public accommodation or public service shall not do any of the following:

(a) Deny the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service to an individual because the individual is breastfeeding a child or is expressing human milk.

(b) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign that indicates any of the following:

(i) That the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because the individual is breastfeeding a child or is expressing human milk.

(ii) That an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because the individual is breastfeeding a child or is expressing human milk.

History: 2014, Act 197, Imd. Eff. June 24, 2014 ;-- Am. 2024, Act 130, Imd. Eff. Oct. 8, 2024

37.233 Civil action; injunctive relief and damages; costs; fees.

Sec. 3.

(1) A person alleging a violation of this act may bring a civil action in a court of appropriate jurisdiction for appropriate injunctive relief, actual damages or presumed damages of $200.00, or both injunctive relief and actual or presumed damages.

(2) In addition to the relief under subsection (1), a court rendering a judgment in an action brought under this act may award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

History: 2014, Act 197, Imd. Eff. June 24, 2014

DISCLOSURE OF PERSONAL INFORMATION ON DOCUMENTS

Act 1 of 2000

AN ACT to prohibit state agencies and local governmental units from disclosing personal information and placing personal information on certain documents.

History: 2000, Act 1, Imd. Eff. Feb. 11, 2000

The People of the State of Michigan enact:

37.251 Definitions.

Sec. 1.

As used in this act:

(a) "Local governmental unit" means a school district, intermediate school district, city, village, township, county, authority, or other political subdivision of this state.

(b) "Person" means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

(c) "Personal information" means 1 or more of the following:

(i) Social security number.

(ii) Driver license number.

(iii) State identification number.

(d) "State agency" means a department, board, commission, office, agency, authority, or other unit of state government in the executive, legislative, or judicial branch.

History: 2000, Act 1, Imd. Eff. Feb. 11, 2000

37.252 Delivery of envelope or package with personal information visible prohibited.

Sec. 2.

A state agency or a local governmental unit shall not deliver or cause to be delivered an envelope or package on the outside of which personal information is placed or on the inside of which personal information is placed that is visible from the outside of the envelope or package.

History: 2000, Act 1, Imd. Eff. Feb. 11, 2000

FOURTH AMENDMENT RIGHTS PROTECTION ACT

Act 71 of 2018

AN ACT to prohibit this state and certain other governmental agents, employees, and entities in this state from assisting a federal agency in obtaining certain forms of data without a warrant; and to prohibit certain uses of certain data collected without a warrant.

History: 2018, Act 71, Eff. June 17, 2018

The People of the State of Michigan enact:

37.261 Short title.

Sec. 1.

This act shall be known and may be cited as the "Fourth Amendment rights protection act".

History: 2018, Act 71, Eff. June 17, 2018

37.262 Definitions.

Sec. 2.

As used in this act:

(a) "Electronic data" means information related to an electronic communication or the use of an electronic communication service, including, but not limited to, the contents, sender, recipients, or format of an electronic communication; the precise or approximate location of the sender or recipients of an electronic communication at any time during the communication; the time or date the communication was created, sent, or received; and the identity of an individual or device involved in the communication, including, but not limited to, an internet protocol address. The term does not include subscriber information.

(b) "Metadata" means information generally not visible when an electronic document is printed describing the history, tracking, or management of the electronic document, including information about data in the electronic document that describes how, when, and by whom the data were collected, created, accessed, or modified and how the data are formatted. The term does not include any of the following:

(i) A spreadsheet formula.

(ii) A database field.

(iii) An externally or internally linked file.

(iv) A reference to an external file or hyperlink.

History: 2018, Act 71, Eff. June 17, 2018

37.263 Collection of electronic data or metadata by federal agency; assistance or support by state or political subdivision; limitation; circumstances.

Sec. 3.

This state or a political subdivision of this state shall not assist, participate with, or provide material support or resources to a federal agency to enable it to collect or to facilitate in the collection or use of a person's electronic data or metadata, unless 1 or more of the following circumstances apply:

(a) The person has given informed consent.

(b) The action is pursuant to a warrant that is based upon probable cause and particularly describes the person, place, or thing to be searched or seized.

(c) The action is in accordance with a legally recognized exception to warrant requirements.

(d) The action will not infringe on any reasonable expectation of privacy the person may have.

(e) This state or a political subdivision of this state collected the electronic data or metadata legally.

History: 2018, Act 71, Eff. June 17, 2018

INTERNET PRIVACY PROTECTION ACT

Act 478 of 2012

AN ACT to prohibit employers and educational institutions from requiring certain individuals to grant access to, allow observation of, or disclose information that allows access to or observation of personal internet accounts; to prohibit employers and educational institutions from taking certain actions for failure to allow access to, observation of, or disclosure of information that allows access to personal internet accounts; and to provide sanctions and remedies.

History: 2012, Act 478, Imd. Eff. Dec. 28, 2012

The People of the State of Michigan enact:

37.271 Short title.

Sec. 1.

This act shall be known and may be cited as the "internet privacy protection act".

History: 2012, Act 478, Imd. Eff. Dec. 28, 2012

37.272 Definitions.

Sec. 2.

As used in this act:

(a) "Access information" means user name, password, login information, or other security information that protects access to a personal internet account.

(b) "Educational institution" means a public or private educational institution or a separate school or department of a public or private educational institution, and includes an academy; elementary or secondary school; extension course; kindergarten; nursery school; school system; school district; intermediate school district; business, nursing, professional, secretarial, technical, or vocational school; public or private educational testing service or administrator; and an agent of an educational institution. Educational institution shall be construed broadly to include public and private institutions of higher education to the greatest extent consistent with constitutional limitations.

(c) "Employer" means a person, including a unit of state or local government, engaged in a business, industry, profession, trade, or other enterprise in this state and includes an agent, representative, or designee of the employer.

(d) "Personal internet account" means an account created via a bounded system established by an internet-based service that requires a user to input or store access information via an electronic device to view, create, utilize, or edit the user's account information, profile, display, communications, or stored data.

History: 2012, Act 478, Imd. Eff. Dec. 28, 2012

37.273 Duties of employer.

Sec. 3.

An employer shall not do any of the following:

(a) Request an employee or an applicant for employment to grant access to, allow observation of, or disclose information that allows access to or observation of the employee's or applicant's personal internet account.

(b) Discharge, discipline, fail to hire, or otherwise penalize an employee or applicant for employment for failure to grant access to, allow observation of, or disclose information that allows access to or observation of the employee's or applicant's personal internet account.

History: 2012, Act 478, Imd. Eff. Dec. 28, 2012

37.274 Educational institution; prohibited acts.

Sec. 4.

An educational institution shall not do any of the following:

(a) Request a student or prospective student to grant access to, allow observation of, or disclose information that allows access to or observation of the student's or prospective student's personal internet account.

(b) Expel, discipline, fail to admit, or otherwise penalize a student or prospective student for failure to grant access to, allow observation of, or disclose information that allows access to or observation of the student's or prospective student's personal internet account.

History: 2012, Act 478, Imd. Eff. Dec. 28, 2012

37.275 Certain acts by employer not prohibited or restricted.

Sec. 5.

(1) This act does not prohibit an employer from doing any of the following:

(a) Requesting or requiring an employee to disclose access information to the employer to gain access to or operate any of the following:

(i) An electronic communications device paid for in whole or in part by the employer.

(ii) An account or service provided by the employer, obtained by virtue of the employee's employment relationship with the employer, or used for the employer's business purposes.

(b) Disciplining or discharging an employee for transferring the employer's proprietary or confidential information or financial data to an employee's personal internet account without the employer's authorization.

(c) Conducting an investigation or requiring an employee to cooperate in an investigation in any of the following circumstances:

(i) If there is specific information about activity on the employee's personal internet account, for the purpose of ensuring compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct.

(ii) If the employer has specific information about an unauthorized transfer of the employer's proprietary information, confidential information, or financial data to an employee's personal internet account.

(d) Restricting or prohibiting an employee's access to certain websites while using an electronic communications device paid for in whole or in part by the employer or while using an employer's network or resources, in accordance with state and federal law.

(e) Monitoring, reviewing, or accessing electronic data stored on an electronic communications device paid for in whole or in part by the employer, or traveling through or stored on an employer's network, in accordance with state and federal law.

(2) This act does not prohibit or restrict an employer from complying with a duty to screen employees or applicants prior to hiring or to monitor or retain employee communications that is established under federal law or by a self-regulatory organization, as defined in section 3(a)(26) of the securities and exchange act of 1934, 15 USC 78c(a)(26).

(3) This act does not prohibit or restrict an employer from viewing, accessing, or utilizing information about an employee or applicant that can be obtained without any required access information or that is available in the public domain.

History: 2012, Act 478, Imd. Eff. Dec. 28, 2012

37.276 Powers of educational institution to gain access to certain information.

Sec. 6.

(1) This act does not prohibit an educational institution from requesting or requiring a student to disclose access information to the educational institution to gain access to or operate any of the following:

(a) An electronic communications device paid for in whole or in part by the educational institution.

(b) An account or service provided by the educational institution that is either obtained by virtue of the student's admission to the educational institution or used by the student for educational purposes.

(2) This act does not prohibit or restrict an educational institution from viewing, accessing, or utilizing information about a student or applicant that can be obtained without any required access information or that is available in the public domain.

History: 2012, Act 478, Imd. Eff. Dec. 28, 2012

37.277 Duties not created by act; liability.

Sec. 7.

(1) This act does not create a duty for an employer or educational institution to search or monitor the activity of a personal internet account.

(2) An employer or educational institution is not liable under this act for failure to request or require that an employee, a student, an applicant for employment, or a prospective student grant access to, allow observation of, or disclose information that allows access to or observation of the employee's, student's, applicant for employment's, or prospective student's personal internet account.

History: 2012, Act 478, Imd. Eff. Dec. 28, 2012

37.278 Violation of provisions of act as misdemeanor; civil action; injunction; damages; written demand and documentation; jurisdiction; affirmative defense.

Sec. 8.

(1) A person who violates section 3 or 4 is guilty of a misdemeanor punishable by a fine of not more than $1,000.00.

(2) An individual who is the subject of a violation of this act may bring a civil action to enjoin a violation of section 3 or 4 and may recover not more than $1,000.00 in damages plus reasonable attorney fees and court costs. Not later than 60 days before filing a civil action for damages or 60 days before adding a claim for damages to an action seeking injunctive relief, the individual shall make a written demand of the alleged violator for not more than $1,000.00. The written demand shall include reasonable documentation of the violation. The written demand and documentation shall either be served in the manner provided by law for service of process in civil actions or mailed by certified mail with sufficient postage affixed and addressed to the alleged violator at his or her residence, principal office, or place of business. An action under this subsection may be brought in the district court for the county where the alleged violation occurred or for the county where the person against whom the civil complaint is filed resides or has his or her principal place of business.

(3) It is an affirmative defense to an action under this act that the employer or educational institution acted to comply with requirements of a federal law or a law of this state.

History: 2012, Act 478, Imd. Eff. Dec. 28, 2012

ASSISTANCE TO AGENCY OF ARMED FORCES

Act 228 of 2013

AN ACT to prohibit any agency of this state, any political subdivision of this state, any employee of any agency of this state or any political subdivision of this state, or any member of the Michigan national guard from assisting an agency of the armed forces of the United States in the investigation, prosecution, or detainment of any citizen of the United States under certain circumstances.

History: 2013, Act 228, Eff. Mar. 27, 2014

The People of the State of Michigan enact:

37.291 Investigation, prosecution, or detainment of United States citizen; aid prohibited; exception.

Sec. 1.

(1) Subject to subsection (2), notwithstanding any provision of law to the contrary, no agency of this state, no political subdivision of this state, no employee of an agency of this state or a political subdivision of this state acting in his or her official capacity, and no member of the Michigan national guard on active state service shall aid an agency of the armed forces of the United States in any investigation, prosecution, or detention of any person pursuant to section 1021 of the national defense authorization act for fiscal year 2012, if such aid would place that state agency, political subdivision, employee, or member of the Michigan national guard in violation of the United States constitution, the state constitution of 1963, or any law of this state.

(2) Subsection (1) does not apply to participation by state or local law enforcement or the Michigan national guard in a joint task force, partnership, or other similar cooperative agreement with federal law enforcement if that joint task force, partnership, or similar cooperative agreement is not for the purpose of investigating, prosecuting, or detaining any person pursuant to section 1021 of the national defense authorization act for fiscal year 2012.

History: 2013, Act 228, Eff. Mar. 27, 2014

IDENTIFICATION AND PATCH FOR SERVICE ANIMAL

Act 146 of 2015

AN ACT to provide for the voluntary issuance of identification and patches for service animals; and to provide for certain powers and duties of the department of civil rights.

History: 2015, Act 146, Eff. Jan. 18, 2016

The People of the State of Michigan enact:

37.301 Definitions.

Sec. 1.

As used in this act:

(a) "Department" means the department of civil rights.

(b) "Person with a disability" means a person who has a disability as defined in section 12102 of the Americans with disabilities act of 1990, 42 USC 12102, and 28 CFR 36.104.

(c) As used in subdivision (b), "person with a disability" includes a veteran who has been diagnosed with 1 or more of the following:

(i) Post-traumatic stress disorder.

(ii) Traumatic brain injury.

(iii) Other service-related disabilities.

(d) "Service animal" means all of the following:

(i) That term as defined in 28 CFR 36.104.

(ii) A miniature horse that has been individually trained to do work or perform tasks as described in 28 CFR 36.104 for the benefit of a person with a disability.

(e) "Veteran" means any of the following:

(i) A person who performed military service in the armed forces for a period of more than 90 days and separated from the armed forces in a manner other than a dishonorable discharge.

(ii) A person discharged or released from military service because of a service-related disability.

(iii) A member of a reserve branch of the armed forces at the time he or she was ordered to military service during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was released from military service in a manner other than a dishonorable discharge.

History: 2015, Act 146, Eff. Jan. 18, 2016

37.303 Voluntary identification and patch for service animal; development and availability; eligibility.

Sec. 3.

(1) Subject to subsection (2), the department shall develop and make available upon request a voluntary identification and patch for a service animal for a person with a disability.

(2) To be eligible to receive the voluntary identification and patch described in subsection (1), the person seeking the materials shall provide all of the following:

(a) An affidavit signed by the person seeking the identification and patch attesting that the service animal for which the identification and patch are being sought has been trained to be a service animal for use by a person with a disability.

(b) Documentation from an appropriate health care or rehabilitation professional that the individual requires the assistance of a service animal due to a disability.

History: 2015, Act 146, Eff. Jan. 18, 2016

37.305 Telephone complaint hotline; use by department to receive reports; referral to law enforcement agency.

Sec. 5.

The department shall use its existing telephone complaint hotline to receive reports of problems encountered by a person with a disability using a service animal and to receive reports of a person impersonating a person with a disability and using a service animal. The department may refer an alleged violation of section 3(2)(a) to the appropriate law enforcement agency for investigation.

History: 2015, Act 146, Eff. Jan. 18, 2016

37.307 False or fraudulent affidavit as misdemeanor; penalty.

Sec. 7.

A person who knowingly or willingly submits a false or fraudulent affidavit under section 3(2)(a) is guilty of a misdemeanor punishable by 1 or more of the following:

(a) Imprisonment for not more than 90 days.

(b) A fine of not more than $500.00.

(c) Community service for not more than 30 days.

History: 2015, Act 146, Eff. Jan. 18, 2016

PERSONS WITH DISABILITIES CIVIL RIGHTS ACT

Act 220 of 1976

AN ACT to define the civil rights of persons with disabilities; to prohibit discriminatory practices, policies, and customs in the exercise of those rights; to prescribe penalties and to provide remedies; and to provide for the promulgation of rules.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981 ;-- Am. 1992, Act 123, Imd. Eff. June 29, 1992 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

The People of the State of Michigan enact:

Article 1

37.1101 Short title.

Sec. 101.

This act shall be known and may be cited as the "persons with disabilities civil rights act".

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1102 Opportunity guaranteed; civil right; accommodation of person with disability; undue hardship.

Sec. 102.

(1) The opportunity to obtain employment, housing, and other real estate and full and equal utilization of public accommodations, public services, and educational facilities without discrimination because of a disability is guaranteed by this act and is a civil right.

(2) Except as otherwise provided in article 2, a person shall accommodate a person with a disability for purposes of employment, public accommodation, public service, education, or housing unless the person demonstrates that the accommodation would impose an undue hardship.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981 ;-- Am. 1990, Act 121, Imd. Eff. June 25, 1990 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1102a Adoption of standardized design; international symbol of access; removal of "handicapped".

Sec. 102a.

(1) The commission shall adopt and post on the website of the department of civil rights a standardized design that is a variation of the current international symbol of access. The design must comply with all of the following:

(a) Depict a dynamic character leaning forward in a wheelchair with a sense of movement.

(b) Provide a contrasting background with either a light symbol on a blue background or a blue symbol on a light background.

(c) Be substantially equivalent to the international symbol of access.

(d) Be simple and avoid any secondary meaning.

(2) Beginning 1 year after the effective date of the amendatory act that added this section, each new placement or replacement of an international symbol of access sign required by law, ordinance, or administrative rule of this state or a local unit of government of this state must use the design adopted under this section. For any placement or replacement of the international symbol of access that is not required by law, ordinance, or administrative rule of this state or a local unit of government of this state, the commission and the department of civil rights shall encourage use of the design adopted under this section.

(3) The commission and the department of civil rights shall encourage removal of the word "handicapped" from any signs or other means of communication of this state or any local unit of government of this state.

(4) For the purpose of this section, encouraging the use of the design adopted under this section or the removal of the word "handicapped" do not include any form of civil, criminal, administrative, or regulatory action against any person or entity.

(5) Any government issued item currently in use by this state or any department, agency, or office of this state, local unit of government of this state, or other entity or individual that contains the international symbol of access may continue to be used until there is a need to replace that item.

History: Add. 2022, Act 183, Eff. Oct. 23, 2022

37.1103 Definitions.

Sec. 103.

As used in this act:

(a) "Alcoholic liquor" means that term as defined in section 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1105.

(b) "Commission" means the civil rights commission established by section 29 of article V of the state constitution of 1963.

(c) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(d) Except as provided under subdivision (f), "disability" means 1 or more of the following:

(i) A determinable physical or mental characteristic of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic:

(A) For purposes of article 2, substantially limits 1 or more of the major life activities of that individual and is unrelated to the individual's ability to perform the duties of a particular job or position or substantially limits 1 or more of the major life activities of that individual and is unrelated to the individual's qualifications for employment or promotion.

(B) For purposes of article 3, is unrelated to the individual's ability to utilize and benefit from a place of public accommodation or public service.

(C) For purposes of article 4, is unrelated to the individual's ability to utilize and benefit from educational opportunities, programs, and facilities at an educational institution.

(D) For purposes of article 5, substantially limits 1 or more of that individual's major life activities and is unrelated to the individual's ability to acquire, rent, or maintain property.

(ii) A history of a determinable physical or mental characteristic described in subparagraph (i).

(iii) Being regarded as having a determinable physical or mental characteristic described in subparagraph (i).

(e) "Drug" means that term as defined in section 7105 of the public health code, 1978 PA 368, MCL 333.7105.

(f) For purposes of article 2, disability does not include either of the following:

(i) A determinable physical or mental characteristic caused by the current illegal use of a controlled substance by that individual.

(ii) A determinable physical or mental characteristic caused by the use of an alcoholic liquor by that individual, if that physical or mental characteristic prevents that individual from performing the duties of his or her job.

(g) "Person" includes an individual, agent, association, corporation, joint apprenticeship committee, joint-stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization, this state, or any other legal, commercial, or governmental entity or agency.

(h) "Person with a disability" or "person with disabilities" means an individual who has 1 or more disabilities.

(i) "Political subdivision" means a county, city, village, township, school district, or special district or authority of this state.

(j) "State average weekly wage" means the state average weekly wage as determined by the Michigan employment security commission under section 27 of the Michigan employment security act, 1936 (Ex Sess) PA 1, MCL 421.27.

(k) "Temporary employee" means an employee hired for a position that will not exceed 90 days in duration.

(l) "Unrelated to the individual's ability" means, with or without accommodation, an individual's disability does not prevent the individual from doing 1 or more of the following:

(i) For purposes of article 2, performing the duties of a particular job or position.

(ii) For purposes of article 3, utilizing and benefiting from a place of public accommodation or public service.

(iii) For purposes of article 4, utilizing and benefiting from educational opportunities, programs, and facilities at an educational institution.

(iv) For purposes of article 5, acquiring, renting, or maintaining property.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981 ;-- Am. 1990, Act 121, Imd. Eff. June 25, 1990 ;-- Am. 1992, Act 123, Imd. Eff. June 29, 1992 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998 ;-- Am. 1999, Act 201, Eff. Mar. 10, 2000

Compiler's Notes: Enacting section 1 of Act 201 of 1999 provides:â€œEnacting section 1. This amendatory act is curative and intended to correct any misinterpretation of legislative intent in the court of appeals decision in Doe v Department of Corrections, 236 Mich App 801 (1999). This legislation further expresses the original intent of the legislature that an individual serving a sentence of imprisonment in a state or county correctional facility is not within the purview of this act.â€

Article 2

37.1201 Definitions.

Sec. 201.

As used in this article:

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

(b) "Employer" means a person who has 1 or more employees or a person who as contractor or subcontractor is furnishing material or performing work for the state or a governmental entity or agency of the state and includes an agent of such a person.

(c) "Employment agency" means a person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person.

(d) "Genetic information" means information about a gene, gene product, or inherited characteristic of an individual derived from the individual's family history or a genetic test.

(e) "Genetic test" means the analysis of human DNA, RNA, chromosomes, and those proteins and metabolites used to detect heritable or somatic disease-related genotypes or karyotypes for clinical purposes. A genetic test must be generally accepted in the scientific and medical communities as being specifically determinative for the presence, absence, or mutation of a gene or chromosome in order to qualify under this definition. Genetic test does not include a routine physical examination or a routine analysis including, but not limited to, a chemical analysis of body fluids unless conducted specifically to determine the presence, absence, or mutation of a gene or chromosome.

(f) "Labor organization" includes:

(i) An organization of any kind, an agency or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.

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

(iii) An agent of a labor organization.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1990, Act 121, Imd. Eff. June 25, 1990 ;-- Am. 2000, Act 32, Imd. Eff. Mar. 15, 2000

37.1202 Employer; prohibited conduct; exceptions; access to genetic information.

Sec. 202.

(1) Except as otherwise required by federal law, an employer shall not:

(a) Fail or refuse to hire, recruit, or promote an individual because of a disability or genetic information that is unrelated to the individual's ability to perform the duties of a particular job or position.

(b) Discharge or otherwise discriminate against an individual with respect to compensation or the terms, conditions, or privileges of employment, because of a disability or genetic information that is unrelated to the individual's ability to perform the duties of a particular job or position.

(c) Limit, segregate, or classify an employee or applicant for employment in a way which deprives or tends to deprive an individual of employment opportunities or otherwise adversely affects the status of an employee because of a disability or genetic information that is unrelated to the individual's ability to perform the duties of a particular job or position.

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

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

(f) Fail or refuse to hire, recruit, or promote an individual when adaptive devices or aids may be utilized thereby enabling that individual to perform the specific requirements of the job.

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

(h) Require an individual to submit to a genetic test or to provide genetic information as a condition of employment or promotion.

(2) Subsection (1) does not prohibit an individual from voluntarily providing to an employer genetic information that is related to the employee's health or safety in the workplace. Subsection (1) does not prohibit an employer from using genetic information received from an employee under this subsection to protect the employee's health or safety.

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

(4) Except as otherwise provided in subsection (2), no employer may directly or indirectly acquire or have access to any genetic information concerning an employee or applicant for employment, or a member of the employee's or applicant's family.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998 ;-- Am. 2000, Act 32, Imd. Eff. Mar. 15, 2000

37.1203 Employment agency; prohibited conduct.

Sec. 203.

An employment agency shall not fail or refuse to refer for employment, or otherwise discriminate against an individual because of a disability or classify or refer for employment an individual on the basis of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1204 Labor organization; prohibited conduct.

Sec. 204.

A labor organization shall not:

(a) Exclude or expel from membership, or otherwise discriminate against a member or applicant for membership because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position which entitles the individual to membership.

(b) Limit, segregate, or classify membership, or applicants for membership, or classify or fail or refuse to refer for employment an individual in a way which would deprive or tend to deprive an individual of employment opportunities, or which would limit employment opportunities or otherwise adversely affect the status of an employee or of an applicant for employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

(c) Cause or attempt to cause an employer to violate this article.

(d) Fail to fairly and adequately represent a member in a grievance process because of the member's disability.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1205 Apprenticeship, on the job, or other training or retraining programs; discrimination prohibited.

Sec. 205.

An employer, labor organization, or joint labor management committee controlling apprenticeship, on the job, or other training or retraining programs shall not discriminate against an individual because of a disability in admission to, or employment or continuation in, a program established to provide apprenticeship or other training.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1206 Prohibited notices, advertisements, inquiries, applications, and records.

Sec. 206.

(1) An employer, labor organization, or employment agency shall not print or publish or cause to be printed or published a notice or advertisement relating to employment by the employer or membership in or a classification or referral for employment by the labor organization, or relating to a classification or referral for employment by the employment agency, indicating a preference, limitation, specification, or discrimination, based on a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

(2) Except as permitted by applicable federal law, an employer or employment agency shall not:

(a) Make or use a written or oral inquiry or form of application that elicits or attempts to elicit information concerning the disability of a prospective employee for reasons contrary to the provisions or purposes of this act.

(b) Make or keep a record of information or disclose information concerning the disability of a prospective employee for reasons contrary to the provisions or purposes of this act.

(c) Make or use a written or oral inquiry or form of application that expresses a preference, limitation, or specification based on the disability of a prospective employee for reasons contrary to the provisions or purposes of this act.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1207 Repealed. 1980, Act 478, Imd. Eff. Jan. 20, 1981.

Compiler's Notes: The repealed section pertained to exemptions.

37.1208 Plan.

Sec. 208.

A person subject to this article may adopt and carry out a plan to eliminate present effects of past discriminatory practices or assure equal opportunity with respect to individuals who have disabilities if the plan has been filed with the commission under rules of the commission and the commission has not disapproved the plan.

History: 1976, Act 220, Eff. Mar 31, 1977 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998
Admin Rule: R 37.27 et seq. of the Michigan Administrative Code.

37.1209 Contract to which state a party; covenant not to discriminate against employee or applicant for employment; breach.

Sec. 209.

A contract to which this state, or a political subdivision, or an agency of this state or of a political subdivision of this state is a party shall contain a covenant by the contractor and any subcontractors not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of this covenant shall be regarded as a material breach of the contract.

History: Add. 1980, Act 478, Imd. Eff. Jan. 20, 1981 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1210 Burden of proof; cost of accommodation as undue hardship; reduction of limitations; restructuring job or altering schedule; applicability of subsections (2) to (16); violation; notices.

Sec. 210.

(1) In an action brought pursuant to this article for a failure to accommodate, the person with a disability shall bear the burden of proof. If the person with a disability proves a prima facie case, the person shall bear the burden of producing evidence that an accommodation would impose an undue hardship on that person. If the person produces evidence that an accommodation would impose an undue hardship on that person, the person with a disability shall bear the burden of proving by a preponderance of the evidence that an accommodation would not impose an undue hardship on that person.

(2) Except as provided in subsections (7), (13), and (17), if the person employs fewer than 4 employees and is required under this article to purchase any equipment or device to accommodate the person with a disability, the total purchase cost required to be paid by that person for that equipment or device is limited to an amount equal to the state average weekly wage. If the cost of an accommodation under this subsection exceeds the limitation established for that accommodation, the accommodation imposes an undue hardship on that person. If the cost of the accommodation does not exceed the limitation established for that accommodation, the accommodation does not impose an undue hardship on that person.

(3) Except as provided in subsections (7), (13), and (17), if the person employs 4 or more employees but fewer than 15 employees and is required under this article to purchase any equipment or device to accommodate the person with a disability, the total purchase cost required to be paid by that person is limited to an amount equal to 1.5 times the state average weekly wage. If the cost of an accommodation under this subsection exceeds the limitation established for that accommodation, the accommodation imposes an undue hardship on that person. If the

cost of the accommodation does not exceed the limitation established for that accommodation, the accommodation does not impose an undue hardship on that person.

(4) Except as provided in subsections (6), (7), (13), and (17), if the person employs 15 or more employees but fewer than 25 employees and is required under this article to purchase any equipment or device to accommodate the person with a disability, the total purchase cost required to be paid by that person is limited to an amount equal to 2.5 times the state average weekly wage. If the cost of an accommodation under this subsection exceeds the limitation established for that accommodation, the accommodation imposes an undue hardship on that person. If the cost of the accommodation does not exceed the limitation established for that accommodation, the accommodation does not impose an undue hardship on that person.

(5) Except as provided in subsections (6), (7), (13), and (17), if the person employs 25 or more employees and the total purchase cost of any equipment or device required to accommodate an employee under this article is equal to or less than 2.5 times the state average weekly wage, the accommodation does not impose an undue hardship on that person.

(6) Except as provided in subsections (7), (13), and (17), if the person employs 15 or more employees and the total purchase cost of any equipment or device required to accommodate an employee under this article is equal to or less than 2.5 times the state average weekly wage, the accommodation does not impose an undue hardship on that person.

(7) Subsections (2) to (6) do not limit the cost of reasonable routine maintenance or repair of equipment or devices needed to accommodate a person with a disability under this article.

(8) Except as provided in subsections (13) and (17), if the person employs fewer than 4 employees and is required to hire or retain 1 or more individuals as readers or interpreters to accommodate the person with a disability in performing the duties of his or her job, the cost required to be paid by that person is limited to an amount equal to 7 times the state average weekly wage for the first year the person with a disability is hired, promoted, or transferred to that job, and 5 times the state average weekly wage for each year after the first year the person with a disability is hired, promoted, or transferred to that job. If the cost of an accommodation under this subsection exceeds the limitation established for that accommodation, the accommodation imposes an undue hardship on that person. If the cost of the accommodation does not exceed the limitation established for that accommodation, the accommodation does not impose an undue hardship on that person.

(9) Except as provided in subsections (13) and (17), if the person employs 4 or more employees but fewer than 15 employees and is required to hire or retain 1 or more individuals as readers or interpreters to accommodate the person with a disability in performing the duties of his or her job, the cost required to be paid by that person is limited to an amount equal to 10 times the state average weekly wage for the first year the person with a disability is hired, promoted, or transferred to that job, and 7 times the state average weekly wage for each year after the first year the person with a disability is hired, promoted, or transferred to that job. If the cost of an accommodation under this subsection exceeds the limitation established for that accommodation, the accommodation imposes an undue hardship on that person. If the cost of the accommodation does not exceed the limitation established for that accommodation, the accommodation does not impose an undue hardship on that person.

(10) Except as provided in subsections (12), (13), and (17), if the person employs 15 or more employees but fewer than 25 employees and is required to hire or retain 1 or more individuals as readers or interpreters to accommodate the person with a disability in performing the duties of his or her job, the cost required to be paid by that person is limited to an amount equal to 15 times the state average weekly wage for the first year the person with a disability is hired, promoted, or transferred to that job, and 10 times the state average weekly wage for each year after the first year the person with a disability is hired, promoted, or transferred to that job. If the cost of an accommodation under this subsection exceeds the limitation established for that accommodation, the accommodation imposes an undue hardship on that person. If the cost of the accommodation does not exceed the limitation established for that accommodation, the accommodation does not impose an undue hardship on that person.

(11) Except as provided in subsections (12), (13), and (17), if the person employs 25 or more employees and the cost required to hire or retain 1 or more individuals as readers or interpreters to accommodate the person with a disability in performing the duties of his or her job is less than or equal to 15 times the state average weekly wage for the first year the person with a disability is hired, promoted, or transferred to that job, and is less than or equal to 10 times the state average weekly wage for each year after the first year the person with a disability is hired, promoted, or transferred to that job, the accommodation does not impose an undue hardship on that person.

(12) Except as provided in subsections (13) and (17), if the person employs 15 or more employees and the cost required to hire or retain 1 or more individuals as readers or interpreters to accommodate the person with a disability in performing the duties of his or her job is less than or equal to 15 times the state average weekly wage for the first year the person with a disability is hired, promoted, or transferred to that job, and is less than or equal to 10 times the state average weekly wage for each year after the first year the person with a disability is hired, promoted, or transferred to that job, the accommodation does not impose an undue hardship on that person.

(13) If the person with a disability is a temporary employee, the limitations established for accommodations under subsections (2), (3), (4), (5), (6), (8), (9), (10), (11), and (12) are reduced by 50%.

(14) A person who employs fewer than 15 employees is not required to restructure a job or alter the schedule of employees as an accommodation under this article.

(15) Job restructuring and altering the schedule of employees under this article applies only to minor or infrequent duties relating to the particular job held by the person with a disability.

(16) If a person can accommodate a person with a disability under this article only by purchasing equipment or devices and hiring or retaining 1 or more individuals as readers or interpreters, the person shall, subject to subsections (2) to (13) and subsection (17), purchase the equipment or devices and hire or retain 1 or more individuals as readers or interpreters to accommodate that person with a disability. However, if the person can accommodate that person with a disability by purchasing equipment or devices or by hiring or retaining 1 or more individuals as readers or interpreters, the person shall consult the person with a disability and, subject to subsections (2) to (13) and subsection (17), choose whether to purchase equipment or devices or hire or retain 1 or more individuals as readers or interpreters.

(17) Subsections (2) to (16) do not apply to either of the following:

(a) A public employer. As used in this subdivision, "public employer" means this state or a political subdivision of this state.

(b) An organization exempt from taxation under section 501(c)(3) of the internal revenue code of 1986.

(18) A person with a disability may allege a violation against a person regarding a failure to accommodate under this article only if the person with a disability notifies the person in writing of the need for accommodation within 182 days after the date the person with a disability knew or reasonably should have known that an accommodation was needed.

(19) A person shall post notices or use other appropriate means to provide all employees and job applicants with notice of the requirements of subsection (18).

History: Add. 1990, Act 121, Imd. Eff. June 25, 1990 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1211 Powers of person under article.

Sec. 211.

A person may, under this article, do 1 or more of the following:

(a) Establish employment policies, programs, procedures, or work rules regarding the use of alcoholic liquor or the illegal use of drugs.

(b) Apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, transfer system, scheduling system, assignment system, or attendance plan if those standards of compensation or terms, conditions, or privileges of employment are not a subterfuge to evade the purposes of this article.

(c) Establish uniform policies requiring employees who have been absent from work because of illness or injury to submit evidence of the ability to return to work. This subdivision does not allow a person to establish a policy requiring only persons with disabilities to submit evidence of the ability to return to work.

(d) Either of the following:

(i) Prohibit an employee who is being compensated under the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941, for an injury arising out of and in the course of his or her employment with that person from returning to work in a restructured job.

(ii) Require an employee who is being compensated under the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941, for an injury arising out of and in the course of his or her employment with that person to return to work as provided by law, if the person accommodates the employee as required under this article.

History: Add. 1990, Act 121, Imd. Eff. June 25, 1990 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1212 Education and training programs.

Sec. 212.

The department of civil rights shall offer education and training programs to employers, labor organizations, and employment agencies to assist employers, labor organizations, and employment agencies in understanding the requirements of this article.

History: Add. 1990, Act 121, Imd. Eff. June 25, 1990

37.1213 Article not in conflict with civil rights act.

Sec. 213.

Nothing in this article shall be construed to conflict with the Elliott-Larsen civil rights act, Act No. 453 of the Public Acts of 1976, being sections 37.2101 to 37.2804 of the Michigan Compiled Laws.

History: Add. 1990, Act 121, Imd. Eff. June 25, 1990

37.1214 Accommodation not construed as preferential treatment or employee benefit.

Sec. 214.

For purposes of this act, an accommodation required under this article shall not be construed to be preferential treatment or an employee benefit.

History: Add. 1990, Act 121, Imd. Eff. June 25, 1990

Article 3

37.1301 Definitions.

Sec. 301.

As used in this article:

(a) "Place of public accommodation" means a business, educational institution, refreshment, entertainment, recreation, health, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

(b) "Public service" means a public facility, department, agency, board, or commission owned, operated, or managed by or on behalf of this state or a subdivision of this state, a county, city, village, township, or independent or regional district in this state or a tax exempt private agency established to provide service to the public, except that public service does not include a state or county correctional facility with respect to actions or decisions regarding an individual serving a sentence of imprisonment.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981 ;-- Am. 1999, Act 201, Eff. Mar. 10, 2000
Compiler's Notes: Enacting section 1 of Act 201 of 1999 provides:â€œEnacting section 1. This amendatory act is curative and intended to correct any misinterpretation of legislative intent in the court of appeals decision in Doe v Department of Corrections, 236 Mich App 801 (1999). This legislation further expresses the original intent of the legislature that an individual serving a sentence of imprisonment in a state or county correctional facility is not within the purview of this act.â€
Constitutionality: Section 301(b), as amended by Act 201 of 1999, added the same language to effectively bar certain individuals from bringing claims under this act as added by Act 202 of 1999 in section 301(b) of the Elliot Larson Civil Rights Act, MCL 37.2301, and that amendment was held unconstitutional. Doe v Dep't of Corrections, 504 Mich 883 (2019).

37.1302 Prohibited conduct.

Sec. 302.

Except where permitted by law, a person shall not:

(a) Deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation or public service because of a disability that is unrelated to the individual's ability to utilize and benefit from the goods, services, facilities, privileges, advantages, or accommodations or because of the use by an individual of adaptive devices or aids.

(b) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because of a disability that is unrelated to the individual's ability to utilize and benefit from the goods, services, facilities, privileges, advantages, or accommodations or because of the use by an individual of adaptive devices or aids, or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because of a disability that is unrelated to the individual's ability to utilize and benefit from the goods, services, facilities, privileges, advantages, or accommodations or because of the use by an individual of adaptive devices or aids.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1303 Exemptions.

Sec. 303.

This article shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation, or if it is licensed, chartered, or certified by the state or any of its political subdivisions.

History: 1976, Act 220, Eff. Mar. 31, 1977

Article 4

37.1401 â€œEducational institutionâ€ defined.

Sec. 401.

As used in this article, "educational institution" means a public or private institution or a separate school or department of a public or private institution, includes an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system, school district, or university, and a business, nursing, professional, secretarial, technical, or vocational school, and includes an agent of an educational institution.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981

37.1402 Educational institution; prohibited conduct.

Sec. 402.

An educational institution shall not do any of the following:

(a) Discriminate in any manner in the full utilization of or benefit from the institution, or the services provided and rendered by the institution to an individual because of a disability that is unrelated to the individual's ability to utilize and benefit from the institution or its services, or because of the use by an individual of adaptive devices or aids.

(b) Exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student or an individual enrolled as a student in the terms, conditions, and privileges of the institution, because of a disability that is unrelated to the individual's ability to utilize and benefit from the institution, or because of the use by an individual of adaptive devices or aids.

(c) Make or use a written or oral inquiry or form of application for admission that elicits or attempts to elicit information, or make or keep a record, concerning the disability of an applicant for admission for reasons contrary to the provisions or purposes of this act.

(d) Print or publish or cause to be printed or published a catalog or other notice or advertisement indicating a preference, limitation, specification, or discrimination based on the disability of an applicant that is unrelated to the applicant's ability to utilize and benefit from the institution or its services, or the use of adaptive devices or aids by an applicant for admission to the educational institution.

(e) Announce or follow a policy of denial or limitation through a quota or otherwise of educational opportunities of a group or its members because of a disability that is unrelated to the group or member's ability to utilize and benefit from the institution or its services, or because of the use by the members of a group or an individual in the group of adaptive devices or aids.

(f) Develop a curriculum or utilize textbooks and training or learning materials which promote or foster physical or mental stereotypes.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1403 Educational institution; plan.

Sec. 403.

An educational institution may adopt and carry out a plan to eliminate present effects of past discriminatory practices or assure equal opportunity with respect to persons with disabilities if the plan is filed with the commission, under rules of the commission and the commission has not disapproved the plan.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998
Admin Rule: R 37.27 et seq. of the Michigan Administrative Code.

Article 5

37.1501 Definitions.

Sec. 501.

As used in this article:

(a) "Housing accommodation" includes improved or unimproved real property, or a part thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home or residence of 1 or more persons.

(b) "Immediate family" means a spouse, parent, child, or sibling.

(c) "Real estate broker or salesman" means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these persons.

(d) "Real estate transaction" means the sale, exchange, rental, or lease of real property, or an interest therein.

(e) "Real property" includes a building, structure, mobile home, real estate, land, mobile home park, trailer park, tenement, leasehold, or an interest in a real estate cooperative or condominium.

History: 1976, Act 220, Eff. Mar. 31, 1977

37.1502 Owners, persons engaging in real estate transactions, real estate brokers, and real estate salesmen; prohibited conduct.

Sec. 502.

(1) An owner or any other person engaging in a real estate transaction, or a real estate broker or salesman shall not, on the basis of a disability of a buyer or renter, of a person residing in or intending to reside in a dwelling after it is sold, rented, or made available, or of any person associated with that buyer or renter, that is unrelated to the individual's ability to acquire, rent, or maintain property or use by an individual of adaptive devices or aids:

(a) Refuse to engage in a real estate transaction with a person.

(b) Discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection with a real estate transaction.

(c) Refuse to receive or fail to transmit a bona fide offer to engage in a real estate transaction from a person.

(d) Refuse to negotiate for a real estate transaction with a person.

(e) Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is available, fail to bring a property listing to a person's attention, refuse to permit a person to inspect real property, or otherwise deny or make real property unavailable to a person.

(f) Make, print, circulate, post, or mail or cause to be made or published a statement, advertisement, or sign, or use a form of application for a real estate transaction, or make a record of inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect to a real estate transaction.

(g) Offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection with a real estate transaction.

(h) Discriminate against a person in the brokering or appraising of real property.

(2) A person shall not deny a person access to or membership or participation in a multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting real property, or discriminate against a person in the terms or conditions of that access, membership, or participation.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1992, Act 123, Imd. Eff. June 29, 1992 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1503 Certain rentals excepted from MCL 37.1502.

Sec. 503.

Section 502 shall not apply to the rental of a housing accommodation in a building which contains housing accommodations for not more than 2 families living independently of each other, if the owner or a member of the owner's immediate family resides in 1 of the housing accommodations, or to the rental of a room or rooms in a single housing dwelling by a person if the lessor or a member of the lessor's immediate family resides therein.

History: 1976, Act 220, Eff. Mar. 31, 1977

37.1504 Financial assistance or financing; prohibited conduct.

Sec. 504.

A person shall not discriminate on the basis of disability in making or purchasing loans for acquiring, constructing, improving, repairing, or maintaining real property, or in providing other financial assistance secured by or otherwise related to real property.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1992, Act 123, Imd. Eff. June 29, 1992 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1505 Information as to applicant's credit worthiness.

Sec. 505.

Nothing in this article shall be considered to prohibit an owner, lender, or his or her agent from requiring that an applicant who seeks to buy, rent, lease, or obtain financial assistance for housing accommodations supply information concerning the applicant's financial, business, or employment status or other information designed solely to determine the applicant's credit worthiness, but not concerning disabilities for reasons contrary to the provisions or purposes of this act.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1506 Prohibited representations.

Sec. 506.

A person shall not represent, for the purpose of inducing a real estate transaction from which he or she may benefit financially or otherwise, that a change has occurred or will or may occur in the composition with respect to persons with disabilities of the owners or occupants in the block, neighborhood, or area in which the real property is located, or represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1506a Real estate transaction; prohibited conduct; â€œcovered multifamily dwellingsâ€ defined.

Sec. 506a.

(1) A person shall not do any of the following in connection with a real estate transaction:

(a) Refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person with a disability if those modifications may be necessary to afford the person with a disability full enjoyment of the premises. In the case of a rental, the landlord may, if reasonable, make permission for a modification contingent on the renter's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(b) Refuse to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person with a disability equal opportunity to use and enjoy residential real property.

(c) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, fail to include all of the following features:

(i) The dwellings have at least 1 building entrance on an accessible route, unless that is impractical because of the terrain or unusual characteristics of the site.

(ii) The public and common use portions of the dwellings are readily accessible to and usable by persons with disabilities.

(iii) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons with disabilities in wheelchairs.

(iv) All premises within covered multifamily dwellings contain an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; reinforcements in bathroom walls to allow later installation of grab bars; and kitchens and bathrooms designed so that an individual in a wheelchair can maneuver about the space.

(2) As used in this section, "covered multifamily dwellings" means buildings consisting of 4 or more units if the buildings have 1 or more elevators, and ground floor units in other buildings consisting of 4 or more units.

History: Add. 1992, Act 123, Imd. Eff. June 29, 1992 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1507 Person subject to article; plan.

Sec. 507.

A person subject to this article may adopt and carry out a plan to eliminate present effects of past discriminatory practices or assure equal opportunity with respect to individuals who have disabilities, if the plan is filed with the commission under rules of the commission and the commission has not disapproved the plan.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998
Admin Rule: R 37.27 et seq. of the Michigan Administrative Code.

Article 6

37.1601 Administration of act; rules.

Sec. 601.

This act shall be administered by the civil rights commission. The commission may promulgate rules to carry out this act pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981

37.1602 Prohibited conduct.

Sec. 602.

A person or 2 or more persons shall not do the following:

(a) Retaliate or discriminate against a person because the person has opposed a violation of this act, or because the person has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this act.

(b) Aid, abet, incite, compel, or coerce a person to engage in a violation of this act.

(c) Attempt directly or indirectly to commit an act prohibited by this act.

(d) Willfully interfere with the performance of a duty or the exercise of a power by the commission or any of its authorized representatives.

(e) Willfully obstruct or prevent a person from complying with this act or an order issued.

(f) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his

or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by article 5.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1992, Act 123, Imd. Eff. June 29, 1992

37.1603 Adjustment order; violation of terms prohibited.

Sec. 603.

A person shall not violate the terms of an adjustment order made under this act.

History: 1976, Act 220, Eff. Mar. 31, 1977

37.1604 Other acts not invalidated.

Sec. 604.

Nothing in this act shall be interpreted as invalidating any other act that establishes or provides programs or services for persons with disabilities.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1605 Complaints.

Sec. 605.

A complaint alleging an act prohibited by this act shall be subject to the same procedures as a complaint alleging an unfair employment practice under Act No. 453 of the Public Acts of 1976, as amended, being sections 37.2101 to 37.2804 of the Michigan Compiled Laws.

History: 1976, Act 220, Eff. Mar. 31, 1977 ;-- Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981

37.1606 Civil action; commencement; â€œdamagesâ€ defined; compensation for lost wages; notice as condition to bringing civil action; applicability of subsection (5).

Sec. 606.

(1) A person alleging a violation of this act may bring a civil action for appropriate injunctive relief or damages, or both.

(2) An action commenced pursuant to subsection (1) may be brought in the circuit court for the county where the alleged violation occurred, or for the county where the person against whom the civil complaint is filed resides or has his or her principal place of business.

(3) As used in subsection (1), "damages" means damages for injury or loss caused by each violation of this act, including reasonable attorneys' fees.

(4) The amount of compensation awarded for lost wages under this act for an injury under article 2 shall be reduced by the amount of compensation received for lost wages under the worker's disability compensation act of

1969, 1969 PA 317, MCL 418.101 to 418.941, for that injury and by the present value of the future compensation for lost wages to be received under the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941, for that injury.

(5) A person with a disability may not bring a civil action under subsection (1) for a failure to accommodate under article 2 unless he or she has notified the person of the need for accommodation as required under section 210(18). This subsection does not apply if the person failed to comply with the requirements of section 210(19).

History: Add. 1980, Act 478, Imd. Eff. Jan. 20, 1981 ;-- Am. 1990, Act 121, Imd. Eff. June 25, 1990 ;-- Am. 1998, Act 20, Imd. Eff. Mar. 12, 1998

37.1607 Diminishment of rights prohibited.

Sec. 607.

This act shall not diminish the right of a person to seek direct and immediate legal or equitable remedies in the courts of this state.

History: Add. 1980, Act 478, Imd. Eff. Jan. 20, 1981

ELLIOTT-LARSEN CIVIL RIGHTS ACT

Act 453 of 1976

AN ACT to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, familial status, marital status, or source of income; to preserve the confidentiality of records regarding arrest, detention, or other disposition in which a conviction does not result; to prescribe the powers and duties of the civil rights commission and the department of civil rights; to provide remedies and penalties; to provide for fees; and to repeal acts and parts of acts.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1977, Act 162, Imd. Eff. Nov. 8, 1977 ;-- Am. 1979, Act 91, Imd. Eff. Aug. 1, 1979 ;-- Am. 1982, Act 45, Eff. Mar. 30, 1983 ;-- Am. 1992, Act 124, Imd. Eff. June 29, 1992 ;-- Am. 1992, Act 258, Imd. Eff. Dec. 7, 1992 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 200, Eff. Apr. 2, 2025

The People of the State of Michigan enact:

Article 1

37.2101 Short title.

Sec. 101.

This act shall be known and may be cited as the "Elliott-Larsen civil rights act".

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1977, Act 162, Imd. Eff. Nov. 8, 1977

37.2102 Recognition and declaration of civil right; action arising out of discrimination based on sex or

familial status.

Sec. 102.

(1) The opportunity to obtain employment, housing and other real estate, and the full and equal utilization of public accommodations, public service, and educational facilities without discrimination because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, familial status, or marital status as prohibited by this act, is recognized and declared to be a civil right.

(2) This section does not prevent an individual from bringing or continuing an action arising out of sex discrimination before July 18, 1980 for a claim based on conduct similar to or identical to harassment.

(3) This section does not prevent an individual from bringing or continuing an action arising out of discrimination based on familial status before June 29, 1992 for a claim based on conduct similar to or identical to discrimination because of the age of anyone residing with the individual bringing or continuing the action.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1979, Act 91, Imd. Eff. Aug. 1, 1979 ;-- Am. 1980, Act 202, Imd. Eff. July 18, 1980 ;-- Am. 1982, Act 45, Eff. Mar. 30, 1983 ;-- Am. 1992, Act 124, Imd. Eff. June 29, 1992 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024

37.2103 Definitions.

Sec. 103.

As used in this act:

(a) "Age" means chronological age except as otherwise provided by law.

(b) "Commission" means the civil rights commission established by section 29 of article V of the state constitution of 1963.

(c) "Commissioner" means a member of the commission.

(d) "Department" means the department of civil rights or its employees.

(e) "Familial status" means 1 or more individuals under the age of 18 residing with a parent or other person having custody or in the process of securing legal custody of the individual or individuals or residing with the designee of the parent or other person having or securing custody, with the written permission of the parent or other person. For purposes of this definition, "parent" includes an individual who is pregnant.

(f) "Gender identity or expression" means having or being perceived as having a gender-related self-identity or expression whether or not associated with an individual's assigned sex at birth.

(g) "National origin" includes the national origin of an ancestor.

(h) "Person" means an individual, agent, association, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization, this state or a political subdivision of this state or an agency of this state, or any other legal or commercial entity.

(i) "Political subdivision" means a county, city, village, township, school district, or special district or authority of this state.

(j) "Race" is inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. For purposes of this definition, "protective hairstyles" includes, but is not limited to, such hairstyles as braids, locks, and twists.

(k) Discrimination because of sex includes sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature under the following conditions:

(i) Submission to the conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or public services, education, or housing.

(ii) Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting the individual's employment, public accommodations or public services, education, or housing.

(iii) The conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.

(l) "Sexual orientation" means having an orientation for heterosexuality, homosexuality, or bisexuality or having a history of such an orientation or being identified with such an orientation.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1980, Act 202, Imd. Eff. July 18, 1980 ;-- Am. 1992, Act 124, Imd. Eff. June 29, 1992 ;-- Am. 1999, Act 202, Eff. Mar. 10, 2000 ;-- Am. 2023, Act 6, Eff. Feb 13, 2024 ;-- Am. 2023, Act 45, Imd. Eff. June 15, 2023
Compiler's Notes: Enacting section 1 of Act 202 of 1999 provides:â€œEnacting section 1. This amendatory act is curative and intended to correct any misinterpretation of legislative intent in the court of appeals decision Neal v Department of Corrections, 232 Mich App 730 (1998). This legislation further expresses the original intent of the legislature that an individual serving a sentence of imprisonment in a state or county correctional facility is not within the purview of this act. â€

Article 2

37.2201 Definitions.

Sec. 201.

As used in this article:

(a) "Employer" means a person that has 1 or more employees, and includes an agent of that person.

(b) "Employment agency" means a person regularly undertaking with or without compensation to procure, refer, recruit, or place an employee for an employer or to procure, refer, recruit, or place for an employer or person the opportunity to work for an employer and includes an agent of that person.

(c) "Labor organization" includes:

(i) An organization of any kind, or an agency or employee representation committee, group, association, or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.

(ii) A conference, general committee, joint or system board, or joint council that is subordinate to a national or international labor organization.

(iii) An agent of a labor organization.

(d) "Sex" includes, but is not limited to, pregnancy, childbirth, the termination of a pregnancy, or a related medical condition.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1978, Act 153, Imd. Eff. May 22, 1978 ;-- Am. 1980, Act 202, Imd. Eff. July 18, 1980 ;-- Am. 2023, Act 31, Eff. Feb. 13, 2024

37.2202 Employer; prohibited practices; exceptions.

Sec. 202.

(1) An employer shall not do any of the following:

(a) Fail or refuse to hire or recruit, discharge, or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment, because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

(b) Limit, segregate, or classify an employee or applicant for employment in a way that deprives or tends to deprive the employee or applicant of an employment opportunity or otherwise adversely affects the status of the employee or applicant because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

(c) Segregate, classify, or otherwise discriminate against an individual on the basis of sex with respect to a term, condition, or privilege of employment, including, but not limited to, a benefit plan or system.

(d) Treat an individual affected by pregnancy, childbirth, the termination of a pregnancy, or a related medical condition differently for any employment-related purpose from another individual who is not so affected but similar in ability or inability to work, without regard to the source of any condition affecting the other individual's ability or inability to work.

(2) This section does not prohibit the establishment or implementation of a bona fide retirement policy or system that is not a subterfuge to evade the purposes of this section.

(3) This section does not apply to the employment of an individual by the individual's parent, spouse, or child.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1978, Act 153, Imd. Eff. May 22, 1978 ;-- Am. 1991, Act 11, Eff. May 1, 1991 ;-- Am. 2009, Act 190, Imd. Eff. Dec. 22, 2009 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 31, Eff. Feb. 13, 2024

37.2202a Designation of racial or ethnic classifications in writing developed by employer; transmission of information to federal agency; â€œwritingâ€ defined.

Sec. 202a.

(1) An employer shall do both of the following if that employer lists racial or ethnic classifications in a writing developed or printed 90 or more days after the effective date of this section, and if that employer requests that an individual select a classification to designate his or her race or ethnicity:

(a) Include in the writing the term "multiracial" as a classification, and a definition of that term that substantially provides that "multiracial" means having parents of different races.

(b) Exclude from the writing the term "other" as a classification.

(2) If a federal agency requires an employer to transmit information obtained from an individual pursuant to a writing described in subsection (1), but rejects the classification "multiracial", the employer shall redesignate the individuals identified as multiracial by allocating those individuals to racial or ethnic classifications approved by the federal agency in the same ratio that those classifications occur within the general population of the group from which the information was solicited.

(3) As used in this section, "writing" means that term as defined in section 2 of the freedom of information act, Act No. 442 of the Public Acts of 1976, being section 15.232 of the Michigan Compiled Laws.

History: Add. 1995, Act 88, Imd. Eff. June 20, 1995

37.2203 Employment agency; prohibited practices generally.

Sec. 203.

An employment agency shall not fail or refuse to procure, refer, recruit, or place for employment, or otherwise discriminate against, an individual because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status; or classify or refer for employment an individual on the basis of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024

37.2204 Labor organization; prohibited practices generally.

Sec. 204.

A labor organization shall not do any of the following:

(a) Exclude or expel from membership, or otherwise discriminate against, a member or applicant for membership because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

(b) Limit, segregate, or classify membership or applicants for membership, or classify or fail or refuse to refer for employment an individual in a way that would deprive or tend to deprive that individual of an employment

opportunity, or that would limit an employment opportunity, or that would adversely affect wages, hours, or employment conditions, or otherwise adversely affect the status of an employee or an applicant for employment, because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

(c) Cause or attempt to cause an employer to violate this article.

(d) Fail to fairly and adequately represent a member in a grievance process because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024

37.2205 Employer, labor organization, or joint labor-management committee; training programs; prohibited practices.

Sec. 205.

An employer, labor organization, or joint labor-management committee controlling an apprenticeship, on the job, or other training or retraining program, shall not discriminate against an individual because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status, in admission to, or employment or continuation in, a program established to provide apprenticeship on the job, or other training or retraining.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024

37.2205a Employer, employment agency, or labor organization; record of information regarding misdemeanor arrest, detention, or disposition; failure to recite or acknowledge information; â€œlaw enforcement agencyâ€ defined.

Sec. 205a.

(1) An employer, employment agency, or labor organization, other than a law enforcement agency of this state or a political subdivision of this state, shall not in connection with an application for employment or membership, or in connection with the terms, conditions, or privileges of employment or membership request, make, or maintain a record of information regarding a misdemeanor arrest, detention, or disposition where a conviction did not result. A person is not guilty of perjury or otherwise for giving a false statement by failing to recite or acknowledge information the person has a civil right to withhold by this section. This section does not apply to information relative to a felony charge before conviction or dismissal.

(2) As used in this section, "law enforcement agency" includes the state department of corrections.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1978, Act 610, Eff. Mar. 30, 1979 ;-- Am. 1982, Act 45, Eff. Mar. 30, 1983 ;-- Am. 1999, Act 202, Eff. Mar. 10, 2000

Compiler's Notes: Enacting section 1 of Act 202 of 1999 provides:â€œEnacting section 1. This amendatory act is curative and intended to correct any misinterpretation of legislative intent in the court of appeals decision Neal v Department of Corrections, 232 Mich App 730 (1998). This legislation further expresses the original intent of the legislature that an individual serving a sentence of imprisonment in a state or county correctional facility is not within the purview of this act. â€

37.2205b Repealed. 1982, Act 45, Eff. Mar. 30, 1983.

Compiler's Notes: The repealed section pertained to announcing availability of polygraph examination.

37.2206 Employer, labor organization, or employment agency; prohibited practices.

Sec. 206.

(1) An employer, labor organization, or employment agency shall not print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign relating to employment by the employer, or relating to membership in or a classification or referral for employment by the labor organization, or relating to a classification or referral for employment by the employment agency, that indicates a preference, limitation, specification, or discrimination, based on religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

(2) Except as permitted by rules promulgated by the commission or by applicable federal law, an employer or employment agency shall not do any of the following:

(a) Make or use a written or oral inquiry or form of application that elicits or attempts to elicit information concerning the religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status of a prospective employee.

(b) Make or keep a record of information described in subdivision (a) or disclose that information.

(c) Make or use a written or oral inquiry or form of application that expresses a preference, limitation, specification, or discrimination based on religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status of a prospective employee.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024
Admin Rule: R 37.1 et seq. of the Michigan Administrative Code.

37.2207 Individual seeking employment; prohibited practices.

Sec. 207.

An individual seeking employment shall not publish or cause to be published a notice or advertisement that specifies or indicates the individual's religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status, or expresses a preference, specification, limitation, or discrimination as to the religion, race, color, national origin, age, height, weight, sex, sexual orientation, gender identity or expression, or marital status of a prospective employer.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024

37.2208 Application for exemption; bona fide occupational qualification.

Sec. 208.

A person subject to this article may apply to the commission for an exemption on the basis that religion, national origin, age, height, weight, or sex is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. Upon sufficient showing, the commission may grant an exemption to the appropriate section of this article. An employer may have a bona fide occupational qualification on the basis of

religion, national origin, sex, age, or marital status, height and weight without obtaining prior exemption from the commission, provided that an employer who does not obtain an exemption shall have the burden of establishing that the qualification is reasonably necessary to the normal operation of the business.

History: 1976, Act 453, Eff. Mar. 31, 1977

37.2209 Covenants.

Sec. 209.

A contract to which this state, a political subdivision, or an agency of this state or of a political subdivision is a party must contain a covenant by the contractor and the contractor's subcontractors not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status. Breach of this covenant may be regarded as a material breach of the contract.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024

37.2210 Plan.

Sec. 210.

A person subject to this article may adopt and carry out a plan to eliminate present effects of past discriminatory practices or assure equal opportunity with respect to religion, race, color, national origin, or sex if the plan is filed with the commission under rules of the commission and the commission approves the plan.

History: 1976, Act 453, Eff. Mar. 31, 1977
Admin Rule: R 37.27 et seq. of the Michigan Administrative Code.

37.2211 Different standards of compensation; different terms, conditions, or privileges of employment.

Sec. 211.

Notwithstanding any other provision of this article, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system.

History: 1976, Act 453, Eff. Mar. 31, 1977

Article 3

37.2301 Definitions.

Sec. 301.

As used in this article:

(a) "Place of public accommodation" means a business, or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Place of public accommodation also includes the facilities of the following private clubs:

(i) A country club or golf club.

(ii) A boating or yachting club.

(iii) A sports or athletic club.

(iv) A dining club, except a dining club that in good faith limits its membership to the members of a particular religion for the purpose of furthering the teachings or principles of that religion and not for the purpose of excluding individuals of a particular sex, race, or color.

(b) "Public service" means a public facility, department, agency, board, or commission, owned, operated, or managed by or on behalf of this state, a political subdivision, or an agency of this state or of a political subdivision or a tax exempt private agency established to provide service to the public, except that public service does not include a state or county correctional facility with respect to actions and decisions regarding an individual serving a sentence of imprisonment.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1992, Act 70, Imd. Eff. May 29, 1992 ;-- Am. 1999, Act 202, Eff. Mar. 10, 2000 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024

Compiler's Notes: Enacting section 1 of Act 202 of 1999 provides:â€œEnacting section 1. This amendatory act is curative and intended to correct any misinterpretation of legislative intent in the court of appeals decision Neal v Department of Corrections, 232 Mich App 730 (1998). This legislation further expresses the original intent of the legislature that an individual serving a sentence of imprisonment in a state or county correctional facility is not within the purview of this act. â€

Constitutionality: In Doe v Dep't of Corrections, 504 Mich 883 (2019), the Michigan Supreme Court denied the application for leave to appeal the March 27, 2018 judgment in Doe v Dep't of Corrections, 323 Mich App 479, that held that section 301(b) as amended by Act 202 of 1999 to effectively bar correctional-facility prisoners from bringing ELCRA suits is in direct violation of article I, section 2 of the state constitution of 1963.

37.2302 Public accommodations or services; prohibited practices.

Sec. 302.

Except where permitted by law, a person shall not do any of the following:

(a) Deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, or marital status.

(b) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign that indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, or marital status, or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, or marital status.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024

Constitutionality: The goal of the Civil Rights Act was to broaden the scope of equal protection rather than the standard of equal protection developed by the courts in the course of interpreting the equal protection provisions of United States and Michigan Constitutions. Civil Rights Department v Waterford, 425 Mich 173; 387 NW2d 821 (1986).

37.2302a Applicability to private club.

Sec. 302a.

(1) This section applies to a private club that is defined as a place of public accommodation under section 301(a).

(2) If a private club allows use of its facilities by 1 or more adults per membership, the use must be equally available to all adults entitled to use the facilities under the membership. All classes of membership must be available without regard to race, color, sex, sexual orientation, gender identity or expression, religion, marital status, or national origin. Memberships that permit use during restricted times may be allowed only if the restricted times apply to all adults using that membership.

(3) A private club that has food or beverage facilities or services shall allow equal access to those facilities and services for all adults in all membership categories at all times. This subsection does not require service or access to facilities to persons that would violate any law or ordinance regarding sale, consumption, or regulation of alcoholic beverages.

(4) This section does not prohibit a private club from sponsoring or permitting sports schools or leagues for children less than 18 years of age that are limited by age or to members of 1 sex, if comparable and equally convenient access to the club's facilities is made available to both sexes and if these activities are not used as a subterfuge to evade the purposes of this article.

History: Add. 1992, Act 70, Imd. Eff. May 29, 1992 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024

37.2303 Exemptions.

Sec. 303.

This article shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the state under Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 through 436.58 of the Michigan Compiled Laws. This section shall not apply to a private club that is otherwise defined as a place of public accommodation in this article.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1992, Act 70, Imd. Eff. May 29, 1992

37.2304 Violation.

Sec. 304.

Within 30 days after a determination by the commission that a place of public accommodation that holds a license issued by the liquor control commission under the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws, has violated this article, the commission shall certify that determination to and shall file a complaint alleging a violation of Act No. 8 of the Public Acts of the Extra Session of 1933 with the liquor control commission.

History: Add. 1992, Act 70, Imd. Eff. May 29, 1992

Article 4

37.2401 Definition.

Sec. 401.

As used in this article, "educational institution" means a public or private institution, or a separate school or department thereof, and includes an academy, college, elementary or secondary school, extension course, kindergarten, nursery, local school system, university, or a business, nursing, professional, secretarial, technical, or vocational school; and includes an agent of an educational institution.

History: 1976, Act 453, Eff. Mar. 31, 1977

37.2402 Educational institution; prohibited practices.

Sec. 402.

An educational institution shall not do any of the following:

(a) Discriminate against an individual in the full utilization of or benefit from the institution, or the services, activities, or programs provided by the institution because of religion, race, color, national origin, sex, sexual orientation, or gender identity or expression.

(b) Exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student or an individual enrolled as a student in the terms, conditions, or privileges of the institution, because of religion, race, color, national origin, sex, sexual orientation, or gender identity or expression.

(c) For purposes of admission only, make or use a written or oral inquiry or form of application that elicits or attempts to elicit information concerning the religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, or marital status of an individual, except as permitted by rule of the commission or as required by federal law, rule, or regulation, or pursuant to an affirmative action program.

(d) Print or publish or cause to be printed or published a catalog, notice, or advertisement indicating a preference, limitation, specification, or discrimination based on the religion, race, color, national origin, sex, sexual orientation, or gender identity or expression, of an applicant for admission to the educational institution.

(e) Announce or follow a policy of denial or limitation through a quota or otherwise of educational opportunities of a group or its members because of religion, race, color, national origin, sex, sexual orientation, or gender identity or expression.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1982, Act 512, Eff. Mar. 30, 1983 ;-- Am. 1993, Act 216, Imd. Eff. Oct. 29, 1993 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024
Admin Rule: R 37.1 et seq. of the Michigan Administrative Code.

37.2402a Designation of racial or ethnic classification in writing developed by educational institution; transmission of information to federal agency; â€œwritingâ€ defined.

Sec. 402a.

(1) An educational institution shall do both of the following if that educational institution lists racial or ethnic classifications in a writing developed or printed 90 or more days after the effective date of this section, and if that educational institution requests that an individual select 1 of those classifications to designate his or her race or ethnicity:

(a) Include in the writing the term "multiracial" as a classification, and a definition of that term that substantially provides that "multiracial" means having parents of different races.

(b) Exclude from the writing the term "other" as a classification.

(2) If a federal agency requires an educational institution to transmit information obtained from an individual pursuant to a writing described in subsection (1), but rejects the classification "multiracial", the educational institution shall redesignate the individuals identified as multiracial by allocating those individuals to racial or ethnic

classifications approved by the federal agency in the same ratio that those classifications occur within the general population of the group from which the information was solicited.

(3) As used in this section, "writing" means that term as defined in section 2 of the freedom of information act, Act No. 442 of the Public Acts of 1976, being section 15.232 of the Michigan Compiled Laws.

History: Add. 1995, Act 88, Imd. Eff. June 20, 1995

37.2403 Religious educational institution; exemption.

Sec. 403.

The provisions of section 402 related to religion shall not apply to a religious educational institution or an educational institution operated, supervised, or controlled by a religious institution or organization which limits admission or gives preference to an applicant of the same religion.

History: 1976, Act 453, Eff. Mar. 31, 1977

37.2404 Private educational institution; exemption.

Sec. 404.

The provisions of section 402 relating to sex shall not apply to a private educational institution not exempt under section 403, which now or hereafter provides an education to persons of 1 sex.

History: 1976, Act 453, Eff. Mar. 31, 1977

37.2404a Single-gender school, class, or program; definitions.

Sec. 404a.

(1) This article does not prohibit the board of a school district or intermediate school district or the board of directors of a public school academy from establishing and maintaining a single-gender school, class, or program within a school as provided under sections 475 and 1146 of the revised school code, 1976 PA 451, MCL 380.475 and 380.1146.

(2) As used in this section, "school district", "intermediate school district", and "public school academy" mean those terms as defined in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

History: Add. 2006, Act 348, Imd. Eff. Sept. 1, 2006

Article 5

37.2501 Definitions.

Sec. 501.

As used in this article:

(a) "Real property" includes a building, structure, mobile home, real estate, land, mobile home park, trailer park, tenement, leasehold, or an interest in a real estate cooperative or condominium.

(b) "Real estate transaction" means the sale, exchange, rental, or lease of real property, or an interest in real property.

(c) "Housing accommodation" includes improved or unimproved real property, or a part of improved or unimproved real property, that is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home or residence of 1 or more individuals.

(d) "Real estate broker or salesperson" means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property; who negotiates or attempts to negotiate any of those activities; who holds oneself out as engaged in those activities; who negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon real property; who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of a real estate broker or salesperson.

(e) "Source of income" means that term as defined in section 1 of 1972 PA 348, MCL 554.601.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 200, Eff. Apr. 2, 2025

37.2502 Persons engaging in real estate transactions, real estate brokers, or real estate salesperson; prohibited practices; prohibition on use of source of income by landlord; section subject to MCL 37.2503.

Sec. 502.

(1) A person engaging in a real estate transaction, or a real estate broker or salesperson, shall not on the basis of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, familial status, or marital status of an individual or anyone residing with that individual do any of the following:

(a) Refuse to engage in a real estate transaction with a person.

(b) Discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection with a real estate transaction.

(c) Refuse to receive from a person or transmit to a person a bona fide offer to engage in a real estate transaction.

(d) Refuse to negotiate for a real estate transaction with a person.

(e) Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or knowingly fail to bring a property listing to a person's attention, or refuse to permit a person to inspect real property, or otherwise make unavailable or deny real property to a person.

(f) Make, print, circulate, post, mail, or otherwise cause to be made or published a statement, advertisement, notice, or sign, or use a form of application for a real estate transaction, or make a record of inquiry in connection with a prospective real estate transaction, that indicates, directly or indirectly, an intent to make a preference, limitation, specification, or discrimination with respect to the real estate transaction.

(g) Offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection with that transaction.

(h) Discriminate against a person in the brokering or appraising of real property.

(2) A person shall not deny a person access to, or membership or participation in, a multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting real property or discriminate against the person in the terms or conditions of that access, membership, or participation because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, familial status, or marital status.

(3) A person that is a landlord of a rental unit shall not, based on the source of income of an otherwise eligible prospective or current tenant, do any of the following:

(a) Deny or terminate a tenancy to the prospective or current tenant.

(b) Make any distinction, discrimination, or restriction against the prospective or current tenant in the price, terms, conditions, fees, or privileges relating to the rental, lease, or occupancy of a rental unit or in the furnishing of any facilities or services in connection with the rental, lease, or occupancy of the rental unit.

(c) Otherwise make unavailable or deny any rental unit to the prospective or current tenant if the prospective or current tenant would be eligible to rent the rental unit but for the individual's source of income.

(d) Represent to the prospective tenant that a rental unit is not available for inspection, rental, or lease when in fact it is so available, or knowingly fail to bring a rental listing to the prospective tenant's attention, or refuse to permit the prospective tenant to inspect a rental unit.

(e) Make any distinction, discrimination, or restriction against the prospective or current tenant in the price, terms, conditions, fees, or privileges relating to the rental, lease, or occupancy of any rental unit on the basis of the prospective or current tenant's use of emergency rental assistance.

(f) If the person is a landlord that requires a prospective or current tenant to have a certain threshold level of income, exclude any source of income in the form of a rent voucher or subsidy when calculating whether the income criteria have been met. This subdivision does not apply to emergency rental assistance.

(g) Attempt to discourage the rental or lease of any rental unit to the prospective or current tenant.

(h) Publish, circulate, display, or cause to be published, circulated, or displayed any communication, notice, advertisement, or sign of any kind relating to the rental or lease of any rental unit that indicates a preference, limitation, or requirement based on any source of income.

(i) Assist, induce, incite, or coerce another person to commit an act or engage in a practice that violates this subsection.

(j) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of the person having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected under this subsection.

(4) Subsection (3) does not apply to a person if the person, including all related entities to that person, is a landlord of fewer than 5 rental units in this state. As used in this subsection:

(a) "Person" means an individual, partnership, corporation, association, limited liability company, or any other legal entity.

(b) "Related entity" means a person that, directly or indirectly, controls, is controlled by, or is under common control with another person.

(5) This section is subject to section 503.

(6) As used in this section, "landlord", "tenant", and "rental unit" mean those terms as defined in section 1 of 1972 PA 348, MCL 554.601.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1992, Act 124, Imd. Eff. June 29, 1992 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 180, Eff. Apr. 2, 2025

37.2503 Nonapplicability of MCL 37.2502; â€œimmediate familyâ€ defined; information relative to marital status.

Sec. 503.

(1) Section 502 does not apply to any of the following:

(a) The rental of a housing accommodation in a building that contains housing accommodations for not more than 2 families living independently of each other if the owner or a member of the owner's immediate family resides in 1 of the housing accommodations, or to the rental of a room or rooms in a single family dwelling by a person if the lessor or a member of the lessor's immediate family resides in the dwelling.

(b) The rental of a housing accommodation for not more than 12 months by the owner or lessor if it was occupied by him or her and maintained as his or her home for at least 3 months immediately preceding occupancy by the tenant and is maintained as the owner's or lessor's legal residence.

(c) With respect to the age provision and the familial status provision only, the sale, rental, or lease of housing accommodations meeting the requirements of federal, state, or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designed or operated, bona fide, for the purpose of providing housing accommodations for persons 50 years of age or older.

(2) As used in subsection (1), "immediate family" means a spouse, parent, child, or sibling.

(3) Information relative to the marital status of an individual may be obtained when necessary for the preparation of a deed or other instrument of conveyance.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1992, Act 124, Imd. Eff. June 29, 1992

37.2504 Application for financial assistance or financing; prohibited practices; nonapplicability of MCL 37.2504(1)(b).

Sec. 504.

(1) A person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of that person, shall not do any of the following:

(a) Discriminate against the applicant because of the religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, familial status, or marital status of the applicant or an individual residing with the applicant.

(b) Use a form of application for financial assistance or financing or make or keep a record or inquiry in connection with an application for financial assistance or financing that indicates, directly or indirectly, a preference, limitation, specification, or discrimination as to the religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, familial status, or marital status of the applicant or an individual residing with the applicant.

(2) A person whose business includes engaging in real estate transactions shall not discriminate against a person because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, familial status, or marital status, in purchasing loans for acquiring, constructing, improving, repairing, or maintaining a dwelling or in making or purchasing loans or providing other financial assistance secured by residential real estate.

(3) Subsection (1)(b) does not apply to a form of application for financial assistance prescribed for the use of a lender regulated as a mortgagee under the national housing act, 12 USC 1701 to 1750g, or by a regulatory board or officer acting under the statutory authority of this state or the United States.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1992, Act 124, Imd. Eff. June 29, 1992 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024

37.2505 Condition, restriction, or prohibition limiting use or occupancy of real property; exceptions; inserting or honoring void provision.

Sec. 505.

(1) A condition, restriction, or prohibition, including a right of entry or possibility of reverter, that directly or indirectly limits the use or occupancy of real property on the basis of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, familial status, or marital status is void, except a limitation of use as provided in section 503(1)(c) or on the basis of religion relating to real property held by a religious institution or organization, or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization, and used for religious or charitable purposes.

(2) A person shall not insert in a written instrument relating to real property a provision that is void under this section or honor such a provision in the chain of title.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1980, Act 170, Imd. Eff. June 18, 1980 ;-- Am. 1992, Act 124, Imd. Eff. June 29, 1992 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024

37.2506 Real estate transactions; prohibited representations.

Sec. 506.

A person shall not represent, for the purpose of inducing a real estate transaction from which the person may benefit financially, that a change has occurred or will or may occur in the composition with respect to religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, familial status, or marital status of the owners or occupants in the block, neighborhood, or area in which the real property is located, or represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1992, Act 124, Imd. Eff. June 29, 1992 ;-- Am. 2023, Act 6, Eff. Feb. 13, 2024

37.2506a Use by landlord of reasonable accommodations.

Sec. 506a.

This article does not preclude the use by a landlord of reasonable accommodations as required by section 102(2) of the Michigan handicappers' civil rights act, Act No. 220 of the Public Acts of 1976, being section 37.1102 of the Michigan Compiled Laws.

History: Add. 1992, Act 124, Imd. Eff. June 29, 1992

37.2507 Plan.

Sec. 507.

A person subject to this article may adopt and carry out a plan to eliminate present effects of past discriminatory practices or assure equal opportunity with respect to religion, race, color, national origin, or sex if the plan is filed with the commission under rules of the commission and the commission approves the plan.

History: 1976, Act 453, Eff. Mar. 31, 1977
Admin Rule: R 37.27 et seq. of the Michigan Administrative Code.

Article 6

37.2601 Commission; powers and duties generally; quorum; vacancy; compensation and expenses; conducting business at public meeting; notice; availability of certain writings to public.

Sec. 601.

(1) The commission shall:
(a) Maintain a principal office in the city of Lansing and other offices within the state as it considers necessary.
(b) Meet and exercise its powers at any place within the state.
(c) Appoint an executive director who shall be the chief executive officer of the department and exempt from civil service, and appoint necessary hearing examiners.
(d) Accept public grants, private gifts, bequests, or other amounts or payments.
(e) Prepare annually a comprehensive written report to the governor. The report may contain recommendations adopted by the commission for legislative or other action necessary to effectuate the purposes and policies of this act.
(f) Promulgate, amend, or repeal rules to carry out this act pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

(g) Request the services of a department or agency of the state or a political subdivision of the state.

(h) Promote and cooperate with a public or governmental agency as in the commission's judgment will aid in effectuating the act and the state constitution of 1963.

(i) Establish and promulgate rules governing its relationship with local commissions, and establish criteria for certifying local commissions for the deferring of complaints.

(2) The commission may hold hearings, administer oaths, issue preliminary notices to witnesses to appear, compel through court authorization the attendance of witnesses and the production for examination of books, papers, or other records relating to matters before the commission, take the testimony of a person under oath, and issue appropriate orders. The commission may promulgate rules as to the issuance of preliminary notices to appear.

(3) A majority of the members of the commission constitutes a quorum. A majority of the members is required to take action on matters not of a ministerial nature, but a majority of a quorum may deal with ministerial matters. A vacancy in the commission shall not impair the right of the remaining members to exercise the powers of the commission. The members of the commission shall receive a per diem compensation and shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties. The per diem compensation of the commission and the schedule for reimbursement of the expenses shall be established annually by the legislature.

(4) The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(5) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1978, Act 446, Imd. Eff. Oct. 11, 1978
Admin Rule: R 37.1 et seq. and R 37.101 of the Michigan Administrative Code.

37.2602 Department; powers and duties generally.

Sec. 602.

The department shall:

(a) Be responsible to the executive director, who shall be the principal executive officer of the department and shall be responsible for executing the policies of the commission.

(b) Appoint necessary employees and agents and fix their compensation in accordance with civil service rules. The attorney general shall appear for and represent the department or the commission in a court having jurisdiction of a matter under this act.

(c) Receive, initiate, investigate, conciliate, adjust, dispose of, issue charges, and hold hearings on complaints alleging a violation of this act, and approve or disapprove plans to correct past discriminatory practices which have caused or resulted in a denial of equal opportunity with respect to groups or persons protected by this act.

(d) Require answers to interrogatories, order the submission of books, papers, records, and other materials pertinent to a complaint, and require the attendance of witnesses, administer oaths, take testimony, and compel, through court authorization, compliance with its orders or an order of the commission.

(e) Cooperate or contract with persons and state, local, and other agencies, both public and private, including agencies of the federal government and of other states.

(f) Monitor the awarding and execution of contracts to ensure compliance by a contractor or a subcontractor with a covenant entered into or to be entered into pursuant to section 209.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1992, Act 258, Imd. Eff. Dec. 7, 1992

37.2602a Repealed. 1992, Act 258, Eff. Dec. 8, 1994.

Compiler's Notes: The repealed section pertained to business conducted with the state or an agency, requests for review of equal employment opportunity practices, and creation of civil rights contract monitoring fund.

37.2603 Complaint; petition for temporary relief or restraining order; notice of pendency of action.

Sec. 603.

At any time after a complaint is filed, the department may file a petition in the circuit court for the county in which the subject of the complaint occurs, or for the county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this section, including an order or decree restraining the respondent from doing or procuring an act tending to render ineffectual an order the commission may enter with respect to the complaint. If the complaint alleges a violation of article 5, upon the filing of the petition the department shall file for the record a notice of pendency of the action. The court may grant temporary relief or a restraining order as it deems just and proper, but the relief or order shall not extend beyond 5 days except by consent of the respondent, or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice.

History: 1976, Act 453, Eff. Mar. 31, 1977

37.2604 Findings of fact and conclusions of law; final order dismissing complaint; copies of order.

Sec. 604.

If the commission, after a hearing on a charge issued by the department, determines that the respondent has not engaged in a discriminatory practice prohibited by this act, the commission shall state its findings of fact and conclusions of law and shall issue a final order dismissing the complaint. The commission shall furnish a copy of the order to the claimant, the respondent, the attorney general, and other public officers and persons as the commission deems proper.

History: 1976, Act 453, Eff. Mar. 31, 1977

37.2605 Findings of fact and conclusions of law; cease and desist order; amendment of pleadings; findings and order based thereon; copies of order; scope of action ordered; certification of violation to licensing or contracting agency.

Sec. 605.

(1) If the commission, after a hearing on a charge issued by the department, determines that the respondent has violated this act or the handicappers' civil rights act, Act No. 220 of the Public Acts of 1976, being sections 37.1101 to 37.1607 of the Michigan Compiled Laws, the commission shall state its findings of fact and conclusions of law and shall issue a final order requiring the respondent to cease and desist from the discriminatory practice and to take such other action as it deems necessary to secure equal enjoyment and protection of civil rights. If at a hearing on a charge, a pattern or practice of discrimination prohibited by this act or Act No. 220 of the Public Acts of 1976 appears in the evidence, the commission may, upon its own motion or on motion of the claimant, amend the pleadings to conform to the proofs, make findings, and issue an order based on those findings. A copy of the order shall be delivered to the respondent, the claimant, the attorney general, and to other public officers and persons as the commission deems proper.

(2) Action ordered under this section may include, but is not limited to:

(a) Hiring, reinstatement, or upgrading of employees with or without back pay.

(b) Admission or restoration of individuals to labor organization membership, admission to or participation in a guidance program, apprenticeship training program, on the job training program, or other occupational training or retraining program, with the utilization of objective criteria in the admission of persons to those programs.

(c) Admission of persons to a public accommodation or an educational institution.

(d) Sale, exchange, lease, rental, assignment, or sublease of real property to a person.

(e) Extension to all persons of the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the respondent.

(f) Reporting as to the manner of compliance.

(g) Requiring the posting of notices in a conspicuous place which the commission may publish or cause to be published setting forth requirements for compliance with civil rights law or other relevant information which the commission determines necessary to explain those laws.

(h) Payment to an injured party of profits obtained by the respondent through a violation of section 506 of this act or of Act No. 220 of the Public Acts of 1976.

(i) Payment to the complainant of damages for an injury or loss caused by a violation of this act, including a reasonable attorney's fee.

(j) Payment to the complainant of all or a portion of the costs of maintaining the action before the commission, including reasonable attorney fees and expert witness fees, if the commission determines that award to be appropriate.

(k) Payment of a civil fine for a violation of article 5 of this act, an amount directly related to the cost to the state for enforcing this statute not to exceed:

(i) $10,000.00 for the first violation.

(ii) $25,000.00 for the second violation within a 5-year period.

(iii) $50,000.00 for 2 or more violations within a 7-year period.

(l) Other relief the commission deems appropriate.

(3) In the case of a respondent operating by virtue of a license issued by the state, a political subdivision, or an agency of the state or political subdivision, if the commission, upon notice and hearing, determines that the respondent has violated this act and that the violation was authorized, requested, commanded, performed, or knowingly permitted by the board of directors of the respondent or by an officer or executive agent acting within the scope of his or her employment, the commission shall so certify to the licensing agency. Unless the commission's finding is reversed in the course of judicial review, the finding of the commission may be grounds for revocation of the respondent's license.

(4) In the case of a respondent who violates this act in the course of performing under a contract or subcontract with the state, a political subdivision, or an agency of the state or political subdivision, where the violation was authorized, requested, commanded, performed, or knowingly permitted by the board of directors of the respondent or by an officer or executive agent acting within the scope of his or her employment, the commission shall so certify to the contracting agency. Unless the commission's finding is reversed in the course of judicial review, the finding is binding on the contracting agency.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1992, Act 124, Imd. Eff. June 29, 1992

37.2606 Appeals.

Sec. 606.

(1) A complainant and a respondent shall have a right of appeal from a final order of the commission, including cease and desist orders and refusals to issue charges, before the circuit court for the county of Ingham, or the circuit court for the county in which the alleged violation occurred or where the person against whom the complaint is filed, resides, or has his or her principal place of business. An appeal before the circuit court shall be reviewed de novo. If an appeal is not taken within 30 days after the service of an appealable order of the commission, the commission may obtain a decree for the enforcement of the order from the circuit court which has jurisdiction of the appeal. If the appellant files for appeal in the circuit court for the county of Ingham, the appellee, upon application, shall be granted a change of venue to hear the matter on appeal in the circuit court for the county in which the alleged violation occurred or where the person against whom the complaint is filed, resides, or has his or her principal place of business or where the claimant resides.

(2) A proceeding for review or enforcement of an appealable order is initiated by filing a petition in the circuit court. Copies of the petition shall be served upon the parties of record. Within 30 days after the service of the petition upon the commission or filing of the petition by the commission, or within further time as the court may allow, the commission shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including a transcript of the testimony, which need not be printed. By stipulation of the parties to the review proceeding, the record may be shortened. The court may grant temporary relief as it considers just, or enter

an order enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the commission, or may remand the case to the commission for further proceedings. The commission's copy of the testimony shall be available at reasonable times to all parties for examination without cost.

(3) The final judgment or decree of the circuit court shall be subject to review by appeal in the same manner and form as other appeals from that court.

(4) A proceeding under this section shall be initiated not more than 30 days after a copy of the order of the commission is received, unless the commission is the petitioner or the petition is filed under subsection (3). If a proceeding is not so initiated, the commission may obtain a court order for enforcement of its order upon showing that a copy of the petition for enforcement was served on the respondent, that the respondent is subject to the jurisdiction of the court, that the order sought to be enforced is an order of the commission, regularly entered, and that the commission has jurisdiction over the subject matter and the respondent.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1980, Act 93, Imd. Eff. Apr. 16, 1980

Article 7

37.2701 Prohibited conduct.

Sec. 701.

Two or more persons shall not conspire to, or a person shall not:

(a) Retaliate or discriminate against a person because the person has opposed a violation of this act, or because the person has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this act.

(b) Aid, abet, incite, compel, or coerce a person to engage in a violation of this act.

(c) Attempt directly or indirectly to commit an act prohibited by this act.

(d) Willfully interfere with the performance of a duty or the exercise of a power by the commission or 1 of its members or authorized representatives.

(e) Willfully obstruct or prevent a person from complying with this act or an order issued or rule promulgated under this act.

(f) Coerce, intimidate, threaten, or interfere with a person in the exercise or enjoyment of, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this act.

History: 1976, Act 453, Eff. Mar. 31, 1977 ;-- Am. 1992, Act 124, Imd. Eff. June 29, 1992
Admin Rule: R 37.1 et seq. of the Michigan Administrative Code.

37.2702 Violation of order prohibited.

Sec. 702.

A person shall not violate the terms of an order or an adjustment order made under this act.

History: 1976, Act 453, Eff. Mar. 31, 1977

37.2703 Revocation or suspension of license.

Sec. 703.

If a certification is made pursuant to section 605(3), the licensing agency may take appropriate action to revoke

or suspend the license of the respondent.

History: 1976, Act 453, Eff. Mar. 31, 1977

37.2704 Termination of contract.

Sec. 704.

Upon receiving a certification made under section 605(4), a contracting agency shall take appropriate action to terminate a contract or portion thereof previously entered into with the respondent, either absolutely or on condition that the respondent carry out a program of compliance with this act, and shall advise the state and all political subdivisions and agencies thereof to refrain from entering into further contracts or extensions or other modifications of existing contracts with the respondent until the commission is satisfied that the respondent carries out policies in compliance with this act.

History: 1976, Act 453, Eff. Mar. 31, 1977

37.2705 Construction of act.

Sec. 705.

(1) This act shall not be construed as preventing the commission from securing civil rights guaranteed by law other than the civil rights set forth in this act.
(2) This act shall not be interpreted as restricting the implementation of approved plans, programs, or services to eliminate discrimination and the effects thereof when appropriate.
(3) This act shall not be interpreted as invalidating any other act that provides programs or services for persons covered by this act.

History: 1976, Act 453, Eff. Mar. 31, 1977

Article 8

37.2801 Action for injunctive relief or damages; venue; â€œdamagesâ€ defined.

Sec. 801.

(1) A person alleging a violation of this act may bring a civil action for appropriate injunctive relief or damages, or both.
(2) An action commenced pursuant to subsection (1) may be brought in the circuit court for the county where the alleged violation occurred, or for the county where the person against whom the civil complaint is filed resides or has his principal place of business.
(3) As used in subsection (1), "damages" means damages for injury or loss caused by each violation of this act, including reasonable attorney's fees.

History: 1976, Act 453, Eff. Mar. 31, 1977

37.2802 Costs of litigation.

Sec. 802.

A court, in rendering a judgment in an action brought pursuant to this article, may award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

History: 1976, Act 453, Eff. Mar. 31, 1977

37.2803 Legal or equitable remedies.

Sec. 803.

This act shall not be construed to diminish the right of a person to direct or immediate legal or equitable remedies in the courts of the state.

History: 1976, Act 453, Eff. Mar. 31, 1977

37.2804 Repeal of MCL 423.301 to 423.311, 37.1 to 37.9, and 564.101 to 564.704.

Sec. 804.

Act No. 251 of the Public Acts of 1955, as amended, being sections 423.301 to 423.311 of the Compiled Laws of 1970, Act No. 45 of the Public Acts of the Second Extra Session of 1963, as amended, being sections 37.1 to 37.9 of the Compiled Laws of 1970, and Act No. 112 of the Public Acts of 1968, as amended, being sections 564.101 to 564.704 of the Compiled Laws of 1970, are repealed.

History: 1976, Act 453, Eff. Mar. 31, 1977

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1993-13

37.2901 Transfer of powers and duties of the Michigan Martin Luther King, Jr., holiday commission from the department of management and budget to the department of civil rights by a type II transfer.

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Michigan Martin Luther King, Jr., Holiday Commission was created within the Department of Management and Budget by Executive Order 1984-4 and amended by Executive Order 1987-1; and

WHEREAS, the functions, duties and responsibilities assigned to the Michigan Martin Luther King, Jr., Holiday Commission can be more effectively carried out under the supervision and direction of the head of the Department

of Civil Rights; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

1. All the authority, powers, duties, functions and responsibilities of the Michigan Martin Luther King, Jr., Holiday Commission, are hereby transferred from the Department of Management and Budget to the Department of Civil Rights, by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Office of Contract Management of the Department of Management and Budget shall provided executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Civil Rights, and all prescribed functions to assist in the state and national observance of the federal legal holiday honoring Martin Luther King, Jr., shall be transferred to the Department of Civil Rights.

3. All records, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan Martin Luther King, Jr., Holiday Commission for the activities transferred are hereby transferred to the Department of Civil Rights to the extent required to provide for the efficient and effective operation of the Michigan Martin Luther King, Jr., Holiday Commission.

4. The Director of the Office of Contract Management of the Department of Management and Budget and the Director of the Department of Civil Rights shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Martin Luther King, Jr., Holiday Commission.

5. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

6. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirements of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective 60 days after filing.

History: 1993, E.R.O. No. 1993-13, Eff. Jan. 30, 1994