

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.2956a Certificate of employability as evidence of due care.

Sec. 2956a.

(1) In an action based on tort or another legal theory seeking damages for personal injury, property damage, or wrongful death, a certificate of employability issued to an individual under section 34d of the corrections code of 1953, 1953 PA 232, MCL 791.234d, may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of employability was issued, if the person knew of the certificate at the time of hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual.

(2) Except as otherwise provided in this subsection, in an action based on tort or another legal theory seeking damages for personal injury, property damage, or wrongful death, if a claim against an employer requires proof that the employer was negligent in hiring an individual by disregarding a prior criminal conviction, a certificate of employability issued to an individual under section 34d of the corrections code of 1953, 1953 PA 232, MCL 791.234d, conclusively establishes that the employer did not act negligently in hiring the individual, if the employer knew of the certificate at the time of hire.

(3) If an individual who has been issued a certificate of employability under section 34d of the corrections code of 1953, 1953 PA 232, MCL 791.234d, is hired and subsequently demonstrates that he or she is a danger to individuals or property or is convicted of or pleads guilty to a felony, an employer who retains the individual as an employee is not liable in a civil action that requires proof that the employer was negligent in retaining the individual as an employee unless a preponderance of the evidence establishes that the person having hiring and firing responsibility for the employer had actual knowledge that the individual was dangerous or that the individual had been convicted of or pleaded guilty to the subsequent felony, and the person was willful in retaining the individual as an employee.

(4) This section does not relieve an employer from a duty or requirement established in another law concerning a background check or verification that an individual is qualified for a position, and does not relieve the employer of liability arising from failure to comply with any such law.

(5) This section does not create any affirmative duty or otherwise alter an employer's obligation to or regarding an employee with a certificate of employability issued under section 34d of the corrections code of 1953, 1953 PA 232, MCL 791.234d.

History: Add. 2014, Act 360, Eff. Jan. 1, 2015