

HOUSE BILL No. 5214

October 23, 1989, Introduced by Reps. Sikkema, Bankes, Hoekman, Allen, Strand, Emmons and Dolan and referred to the Committee on Senior Citizens and Retirement.

A bill to amend section 202 of Act No. 453 of the Public Acts of 1976, entitled as amended
"Elliott-Larsen civil rights act,"
being section 37.2202 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 202 of Act No. 453 of the Public Acts of
2 1976, being section 37.2202 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 202. (1) An employer shall not DO ANY OF THE
5 FOLLOWING:

6 (a) ~~Fail~~ EXCEPT AS PROVIDED IN THE AGE DISCRIMINATION IN
7 EMPLOYMENT ACT OF 1967, PUBLIC LAW 90-202, 29 U.S.C. 621 TO 634,
8 FAIL or refuse to hire ~~—~~ or recruit AN INDIVIDUAL, ~~or~~
9 discharge AN INDIVIDUAL, REQUIRE OR PERMIT THE INVOLUNTARY
10 RETIREMENT OF AN INDIVIDUAL, or otherwise discriminate against an

1 individual with respect to employment, compensation, or a term,
2 condition, or privilege of employment — because of religion,
3 race, color, national origin, age, sex, height, weight, or mari-
4 tal status.

5 (b) Limit, segregate, or classify an employee or applicant
6 for employment in a way ~~which~~ THAT deprives or tends to deprive
7 the employee or applicant of an employment opportunity, or other-
8 wise adversely affects the status of an employee or applicant
9 because of religion, race, color, national origin, age, sex,
10 height, weight, or marital status.

11 (c) Segregate, classify, or otherwise discriminate against a
12 person on the basis of sex with respect to a term, condition, or
13 privilege of employment, including a benefit plan or system.

14 ~~(2) This section shall not be construed to prohibit the~~
15 ~~establishment or implementation of a bona fide retirement policy~~
16 ~~or system which is not a subterfuge to evade the purposes of this~~
17 ~~section.~~

18 (2) ~~(3)~~ This section shall not apply to the employment of
19 an individual by his or her parent, spouse, or child.

20 (3) NOTWITHSTANDING SUBSECTION (1)(A), A FIRE FIGHTER OF
21 THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT IS
22 SUBJECT TO A MANDATORY RETIREMENT AGE SHALL BE CONTINUED IN
23 EMPLOYMENT BY THE STATE OR POLITICAL SUBDIVISION OF THE STATE FOR
24 NOT MORE THAN 1 YEAR AT A TIME BEYOND THE MANDATORY RETIREMENT
25 AGE IF THE FIRE FIGHTER FURNISHES A CERTIFIED STATEMENT OF A
26 LICENSED PHYSICIAN TO HIS OR HER EMPLOYER. THE CERTIFIED

1 STATEMENT OF A LICENSED PHYSICIAN SHALL MEET ALL OF THE FOLLOWING
2 REQUIREMENTS:

3 (A) THE LICENSED PHYSICIAN CERTIFIES THAT HE OR SHE HAS PER-
4 FORMED A PHYSICAL EXAMINATION OF THE FIRE FIGHTER.

5 (B) THE LICENSED PHYSICIAN CERTIFIES THAT HE OR SHE HAS
6 DETERMINED THAT THE FIRE FIGHTER IS PHYSICALLY CAPABLE OF PER-
7 FORMING THE DUTIES OF A FIRE FIGHTER.

8 (C) THE CERTIFIED STATEMENT OF A LICENSED PHYSICIAN IS DATED
9 NOT MORE THAN 60 DAYS BEFORE THE FIRE FIGHTER REACHES THE MANDA-
10 TORY RETIREMENT AGE OR, IF A 1-YEAR EXTENSION HAS ALREADY BEEN
11 GRANTED UNDER THIS SUBSECTION, NOT MORE THAN 60 DAYS BEFORE THE
12 1-YEAR EXTENSION EXPIRES.