

HOUSE BILL No. 4150

February 14, 1989, Introduced by Reps. Joe Young, Sr., Harrison, Watkins, Maynard, O'Neill, Varga, Joe Young, Jr., Hoffman, Saunders, Profit, Jondahl, Gubow, Wallace, Stupak, Hunter, Murphy, Kilpatrick, Emerson, Hertel, Gire, Bennane, Hood, Perry Bullard, Kosteva, Barns, Ciaramitaro, Porreca, Clack, Webb, Johnson, Hollister, Cstling, Berman, Jonker, Knight, Leland, Gilmer, Pitoniak, Stallworth, Hart, Niederstadt, Spaniola, Hunter and Owen and referred to the Committee on Labor.

A bill to amend sections 103 and 202 of Act No. 220 of the Public Acts of 1976, entitled as amended

"Michigan handicappers' civil rights act,"

section 103 as amended by Act No. 478 of the Public Acts of 1980, being sections 37.1103 and 37.1202 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 103 and 202 of Act No. 220 of the
2 Public Acts of 1976, section 103 as amended by Act No. 478 of the
3 Public Acts of 1980, being sections 37.1103 and 37.1202 of the
4 Michigan Compiled Laws, are amended to read as follows:

5 Sec. 103. As used in this act:

6 (a) "Commission" means the civil rights commission
7 established by section 29 of article ~~5~~ V of the state
8 constitution of 1963.

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

5 (C) ~~(b)~~ "Handicap" means a determinable physical or mental
6 characteristic of an individual or a history of the characteris-
7 tic which may result from disease, injury, congenital condition
8 of birth, or functional disorder which characteristic:

9 (i) For purposes of article 2, is unrelated to the
10 individual's ability to perform the duties of a particular job or
11 position, or is unrelated to the individual's qualifications for
12 employment or promotion.

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

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

20 (iv) For purposes of article 5, is unrelated to the
21 individual's ability to acquire, rent, or maintain property.

22 (D) ~~(c)~~ "Handicapper" means an individual who has a
23 handicap.

24 (E) ~~(d)~~ "Mental characteristic" is limited to mental
25 retardation which is significantly subaverage general intellec-
26 tual functioning and to a mentally ill restored condition, and
27 for purposes of article 5 only to a determinable mental condition

1 of an individual or a history of such condition which may result
2 from disease, accident, condition of birth, or functional disor-
3 der which constitutes a mental limitation which is unrelated to
4 an individual's ability to acquire, rent, or maintain property.

5 (F) ~~(e)~~ "Person" includes an individual, agent, associa-
6 tion, corporation, joint apprenticeship committee, joint-stock
7 company, labor union, legal representative, mutual company, part-
8 nership, receiver, trust, trustee in bankruptcy, unincorporated
9 organization, this state, or any other legal, commercial, or gov-
10 ernmental entity or agency.

11 (G) ~~(f)~~ "Political subdivision" means a county, city, vil-
12 lage, township, school district, or special district or authority
13 of this state.

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

15 (a) Fail or refuse to hire, recruit, or promote an individ-
16 ual because of a handicap that is unrelated to the individual's
17 ability to perform the duties of a particular job or position.

18 (b) Discharge or otherwise discriminate against an individ-
19 ual with respect to compensation or the terms, conditions, or
20 privileges of employment, because of a handicap that is unrelated
21 to the individual's ability to perform the duties of a particular
22 job or position.

23 (c) Limit, segregate, or classify an employee or applicant
24 for employment in a way which deprives or tends to deprive an
25 individual of employment opportunities or otherwise adversely
26 affects the status of an employee because of a handicap that is

1 unrelated to the individual's ability to perform the duties of a
2 particular job or position.

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

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

10 (f) Fail or refuse to hire, recruit, or promote an individ-
11 ual when adaptive devices or aids may be utilized thereby ena-
12 bling that individual to perform the specific requirements of the
13 job.

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

18 (H) FAIL OR REFUSE TO PROVIDE COMPENSATION EQUALLY FOR WORK
19 OF COMPARABLE VALUE IN TERMS OF THE COMPOSITE SKILL, RESPONSIBIL-
20 ITY, EFFORT, EDUCATION OR TRAINING, AND WORKING CONDITIONS AS
21 MEASURED BY A NONDISCRIMINATORY JOB EVALUATION SYSTEM, BECAUSE OF
22 A HANDICAP THAT IS UNRELATED TO THE INDIVIDUAL'S ABILITY TO PER-
23 FORM THE DUTIES OF A PARTICULAR JOB OR POSITION.

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

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. ____ or House Bill No. 4151 (request
3 no. 01020'89) of the 85th Legislature is enacted into law.