

# SENATE BILL No. 144

February 15, 1989, Introduced by Senators ARTHURHULTZ,  
POLLACK and O'BRIEN and referred to the Committee on  
Human Resources and Senior Citizens.

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 disorder  
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, association,  
6 tion, corporation, joint apprenticeship committee, joint-stock  
7 company, labor union, legal representative, mutual company, partnership,  
8 receiver, trust, trustee in bankruptcy, unincorporated  
9 organization, this state, or any other legal, commercial, or governmental  
10 entity or agency.

11 (G) ~~(f)~~ "Political subdivision" means a county, city, village,  
12 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 individual  
16 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 individual  
19 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. 143  
3               of the 85th Legislature is enacted into law.