

# HOUSE BILL No. 4138

February 7, 1991, Introduced by Reps. Joe Young, Sr., Harrison, DeMars, Kilpatrick and Joe Young, Jr., and referred to the Committee on Judiciary.

A bill to amend sections 201 and 202 of Act No. 220 of the Public Acts of 1976, entitled as amended "Michigan handicappers' civil rights act," section 201 as amended by Act No. 121 of the Public Acts of 1990, being sections 37.1201 and 37.1202 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 201 and 202 of Act No. 220 of the  
2 Public Acts of 1976, section 201 as amended by Act No. 121 of the  
3 Public Acts of 1990, being sections 37.1201 and 37.1202 of the  
4 Michigan Compiled Laws, are amended to read as follows:

5 Sec. 201. As used in this article:

6 (A) "COMPENSATION" MEANS ALL EARNINGS OF AN EMPLOYEE,  
7 INCLUDING WAGES AND BENEFITS, WHETHER DETERMINED ON THE BASIS OF

1 TIME, TASK, PIECE, COMMISSION, OR OTHER METHOD OF CALCULATION FOR  
2 LABOR, SERVICES, OR WORK PERFORMED.

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

5 (C) ~~(b)~~ "Employer" means a person who has 1 or more  
6 employees or a person who as A contractor or subcontractor ~~is~~  
7 ~~furnishing~~ FURNISHES material or ~~performing~~ PERFORMS work for  
8 the state or a governmental entity or agency of the state and  
9 includes an agent of ~~such a~~ THAT person.

10 (D) ~~(c)~~ "Employment agency" means a person WHO regularly  
11 ~~undertaking~~ UNDERTAKES, with or without compensation, to pro-  
12 cure employees for an employer or to procure for employees oppor-  
13 tunities to work for an employer and includes an agent of ~~such~~  
14 ~~a~~ THAT person.

15 (E) ~~(d)~~ "Labor organization" ~~includes~~ MEANS:

16 (i) An organization of any kind, an agency or employee rep-  
17 resentation committee, group, association, or plan in which  
18 employees participate and ~~which~~ THAT exists for the purpose, in  
19 whole or in part, of dealing with employers concerning griev-  
20 ances, labor disputes, wages, rates of pay, hours, or other terms  
21 or conditions of employment.

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

25 (iii) An agent of a labor organization.

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

1 (a) Fail or refuse to hire, recruit, or promote an  
2 individual because of a handicap that is unrelated to the  
3 individual's ability to perform the duties of a particular job or  
4 position.

5 (b) Discharge or otherwise discriminate against an individ-  
6 ual with respect to compensation or the terms, conditions, or  
7 privileges of employment ~~—~~ because of a handicap that is unre-  
8 lated to the individual's ability to perform the duties of a par-  
9 ticular job or position.

10 (c) Limit, segregate, or classify an employee or applicant  
11 for employment in a way ~~which~~ THAT deprives or tends to deprive  
12 an individual of AN employment ~~opportunities~~ OPPORTUNITY or  
13 otherwise adversely affects the status of an employee because of  
14 a handicap that is unrelated to the individual's ability to per-  
15 form the duties of a particular job or position.

16 (d) Fail or refuse to hire, recruit, or promote an individ-  
17 ual on the basis of A physical or mental ~~examinations~~  
18 EXAMINATION that ~~are~~ IS not directly related to the require-  
19 ments of the specific job.

20 (e) Discharge or take other discriminatory action against an  
21 individual on the basis of A physical or mental ~~examinations~~  
22 EXAMINATION that ~~are~~ IS not directly related to the require-  
23 ments of the specific job.

24 (f) Fail or refuse to hire, recruit, or promote an individ-  
25 ual ~~when~~ IF AN adaptive ~~devices or aids~~ DEVICE OR AID may be  
26 utilized ~~thereby enabling~~ TO ENABLE that individual to perform  
27 the specific requirements of the job.

1 (g) Discharge or take other discriminatory action against an  
2 individual ~~when~~ IF AN adaptive ~~devices or aids~~ DEVICE OR AID  
3 may be utilized ~~thereby enabling~~ TO ENABLE that individual to  
4 perform the specific requirements of the job.

5 (H) FAIL OR REFUSE TO PROVIDE COMPENSATION EQUALLY FOR WORK  
6 OF COMPARABLE VALUE IN TERMS OF THE COMPOSITE SKILL, RESPONSIBIL-  
7 ITY, EFFORT, EDUCATION OR TRAINING, AND WORKING CONDITIONS  
8 BECAUSE OF A HANDICAP THAT IS UNRELATED TO THE INDIVIDUAL'S ABIL-  
9 ITY TO PERFORM THE DUTIES OF A PARTICULAR JOB OR POSITION.

10 (2) This section ~~shall~~ DOES not apply to the employment of  
11 an individual by his parent, spouse, or child.

12 Section 2. This amendatory act shall not take effect unless  
13 Senate Bill No. \_\_\_\_\_ or House Bill No. 4139 (request  
14 no. 00965'91) of the 86th Legislature is enacted into law.