

S.B. 352

A bill to amend 1976 PA 220, entitled "Michigan handicappers' civil rights act," by amending the title and sections 101, 102, 103, 202, 203, 204, 205, 206, 208, 209, 210, 211, 302, 402, 403, 502, 504, 505, 506, 506a, 507, 604, and 606 (MCL 37.1101, 37.1102, 37.1103, 37.1202, 37.1203, 37.1204, 37.1205, 37.1206, 37.1208, 37.1209, 37.1210, 37.1211, 37.1302, 37.1402, 37.1403, 37.1502, 37.1504, 37.1505, 37.1506, 37.1506a, 37.1507, 37.1604, and 37.1606), the title and sections 103, 502, and 504 as amended and section 506a as added by 1992 PA 123, sections 102 and 606 as amended and sections 210 and 211 as added by 1990 PA 121, and sections 204 and 402 as amended and section 209 as added by 1980 PA 478.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to define the civil rights of ~~individuals who have~~
3 ~~handicaps~~ PERSONS WITH DISABILITIES; to prohibit discriminatory
4 practices, policies, and customs in the exercise of those rights;
5 to prescribe penalties and to provide remedies; and to provide
6 for the promulgation of rules.

7 Sec. 101. This act shall be known and may be cited as the
8 ~~"Michigan handicappers"~~ "PERSONS WITH DISABILITIES civil rights
9 act".

10 Sec. 102. (1) The opportunity to obtain employment, hous-
11 ing, and other real estate and full and equal utilization of
12 public accommodations, public services, and educational facili-
13 ties without discrimination because of a ~~handicap~~ DISABILITY is
14 guaranteed by this act and is a civil right.

15 (2) Except as otherwise provided in article 2, a person
16 shall accommodate a ~~handicapper~~ PERSON WITH A DISABILITY for
17 purposes of employment, public accommodation, public service,
18 education, or housing unless the person demonstrates that the
19 accommodation would impose an undue hardship.

20 Sec. 103. As used in this act:

21 (a) "Alcoholic liquor" means that term as defined in
22 section 2 of the Michigan liquor control act, ~~Act No. 8 of the~~
23 ~~Public Acts of the Extra Session of 1933, being section 436.2 of~~
24 ~~the Michigan Compiled Laws~~ 1933 (EX SESS) PA 8, MCL 436.2.

25 (b) "Commission" means the civil rights commission estab-
26 lished by section 29 of article V of the state constitution of
27 1963.

1 (c) "Controlled substance" means that term as defined in
2 section 7104 of the public health code, ~~Act No. 368 of the~~
3 ~~Public Acts of 1978, being section 333.7104 of the Michigan~~
4 ~~Compiled Laws~~ 1978 PA 368, MCL 333.7104.

5 (D) EXCEPT AS PROVIDED UNDER SUBDIVISION (F), "DISABILITY"
6 MEANS 1 OR MORE OF THE FOLLOWING:

7 (i) A DETERMINABLE PHYSICAL OR MENTAL CHARACTERISTIC OF AN
8 INDIVIDUAL, WHICH MAY RESULT FROM DISEASE, INJURY, CONGENITAL
9 CONDITION OF BIRTH, OR FUNCTIONAL DISORDER, IF THE
10 CHARACTERISTIC:

11 (A) FOR PURPOSES OF ARTICLE 2, SUBSTANTIALLY LIMITS 1 OR
12 MORE OF THE MAJOR LIFE ACTIVITIES OF THAT INDIVIDUAL AND IS UNRE-
13 LATED TO THE INDIVIDUAL'S ABILITY TO PERFORM THE DUTIES OF A PAR-
14 TICULAR JOB OR POSITION OR SUBSTANTIALLY LIMITS 1 OR MORE OF THE
15 MAJOR LIFE ACTIVITIES OF THAT INDIVIDUAL AND IS UNRELATED TO THE
16 INDIVIDUAL'S QUALIFICATIONS FOR EMPLOYMENT OR PROMOTION.

17 (B) FOR PURPOSES OF ARTICLE 3, IS UNRELATED TO THE
18 INDIVIDUAL'S ABILITY TO UTILIZE AND BENEFIT FROM A PLACE OF
19 PUBLIC ACCOMMODATION OR PUBLIC SERVICE.

20 (C) FOR PURPOSES OF ARTICLE 4, IS UNRELATED TO THE
21 INDIVIDUAL'S ABILITY TO UTILIZE AND BENEFIT FROM EDUCATIONAL
22 OPPORTUNITIES, PROGRAMS, AND FACILITIES AT AN EDUCATIONAL
23 INSTITUTION.

24 (D) FOR PURPOSES OF ARTICLE 5, SUBSTANTIALLY LIMITS 1 OR
25 MORE OF THAT INDIVIDUAL'S MAJOR LIFE ACTIVITIES AND IS UNRELATED
26 TO THE INDIVIDUAL'S ABILITY TO ACQUIRE, RENT, OR MAINTAIN
27 PROPERTY.

1 (ii) A HISTORY OF A DETERMINABLE PHYSICAL OR MENTAL
2 CHARACTERISTIC DESCRIBED IN SUBPARAGRAPH (i).

3 (iii) BEING REGARDED AS HAVING A DETERMINABLE PHYSICAL OR
4 MENTAL CHARACTERISTIC DESCRIBED IN SUBPARAGRAPH (i).

5 (E) ~~(d)~~ "Drug" means that term as defined in section 7105
6 of the public health code, ~~Act No. 368 of the Public Acts of~~
7 ~~1978, being section 333.7105 of the Michigan Compiled Laws 1978~~
8 PA 368, MCL 333.7105.

9 ~~(e) Except as provided under subdivision (f), "handicap"~~
10 ~~means 1 or more of the following:~~

11 ~~(i) A determinable physical or mental characteristic of an~~
12 ~~individual, which may result from disease, injury, congenital~~
13 ~~condition of birth, or functional disorder, if the~~
14 ~~characteristic:~~

15 ~~(A) For purposes of article 2, substantially limits 1 or~~
16 ~~more of the major life activities of that individual and is unre-~~
17 ~~lated to the individual's ability to perform the duties of a par-~~
18 ~~ticular job or position or substantially limits 1 or more of the~~
19 ~~major life activities of that individual and is unrelated to the~~
20 ~~individual's qualifications for employment or promotion.~~

21 ~~(B) For purposes of article 3, is unrelated to the~~
22 ~~individual's ability to utilize and benefit from a place of~~
23 ~~public accommodation or public service.~~

24 ~~(C) For purposes of article 4, is unrelated to the~~
25 ~~individual's ability to utilize and benefit from educational~~
26 ~~opportunities, programs, and facilities at an educational~~
27 ~~institution.~~

1 ~~(D) For purposes of article 5, substantially limits 1 or~~
2 ~~more of that individual's major life activities and is unrelated~~
3 ~~to the individual's ability to acquire, rent, or maintain~~
4 ~~property.~~

5 ~~(ii) A history of a determinable physical or mental charac-~~
6 ~~teristic described in subparagraph (i).~~

7 ~~(iii) Being regarded as having a determinable physical or~~
8 ~~mental characteristic described in subparagraph (i).~~

9 (f) For purposes of article 2, ~~"handicap"~~ DISABILITY does
10 not include either of the following:

11 (i) A determinable physical or mental characteristic caused
12 by the current illegal use of a controlled substance by that
13 individual.

14 (ii) A determinable physical or mental characteristic caused
15 by the use of an alcoholic liquor by that individual, if that
16 physical or mental characteristic prevents that individual from
17 performing the duties of his or her job.

18 ~~(g) "Handicapper" means an individual who has a handicap.~~

19 (G) ~~(h)~~ "Person" includes an individual, agent, associa-
20 tion, corporation, joint apprenticeship committee, joint-stock
21 company, labor union, legal representative, mutual company, part-
22 nership, receiver, trust, trustee in bankruptcy, unincorporated
23 organization, this state, or any other legal, commercial, or gov-
24 ernmental entity or agency.

25 (H) "PERSON WITH A DISABILITY" OR "PERSON WITH DISABILITIES"
26 MEANS AN INDIVIDUAL WHO HAS 1 OR MORE DISABILITIES.

1 (i) "Political subdivision" means a county, city, village,
2 township, school district, or special district or authority of
3 this state.

4 (j) "State average weekly wage" means the state average
5 weekly wage as determined by the Michigan employment security
6 commission under section 27 of ~~Act No. 1 of the Public Acts of~~
7 ~~the Extra Session of 1931, being section 421.27 of the Michigan~~
8 ~~Compiled Laws~~ THE MICHIGAN EMPLOYMENT SECURITY ACT, 1936 (EX
9 SESS) PA 1, MCL 421.27.

10 (k) "Temporary employee" means an employee hired for a posi-
11 tion that will not exceed 90 days in duration.

12 (l) "Unrelated to the individual's ability" means, with or
13 without accommodation, an individual's ~~handicap~~ DISABILITY does
14 not prevent the individual from doing 1 or more of the
15 following:

16 (i) For purposes of article 2, performing the duties of a
17 particular job or position.

18 (ii) For purposes of article 3, utilizing and benefiting
19 from a place of public accommodation or public service.

20 (iii) For purposes of article 4, utilizing and benefiting
21 from educational opportunities, programs, and facilities at an
22 educational institution.

23 (iv) For purposes of article 5, acquiring, renting, or main-
24 taining property.

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

26 (a) Fail or refuse to hire, recruit, or promote an
27 individual because of a ~~handicap~~ DISABILITY that is unrelated

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

3 (b) Discharge or otherwise discriminate against an individ-
4 ual with respect to compensation or the terms, conditions, or
5 privileges of employment, because of a ~~handicap~~ DISABILITY that
6 is unrelated to the individual's ability to perform the duties of
7 a particular job or position.

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

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

17 (e) Discharge or take other discriminatory action against an
18 individual on the basis of physical or mental examinations that
19 are not directly related to the requirements of the specific
20 job.

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

25 (g) Discharge or take other discriminatory action against an
26 individual when adaptive devices or aids may be utilized thereby

1 enabling that individual to perform the specific requirements of
2 the job.

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

5 Sec. 203. An employment agency shall not fail or refuse to
6 refer for employment, or otherwise discriminate against an indi-
7 vidual because of a ~~handicap~~ DISABILITY or classify or refer
8 for employment an individual on the basis of a ~~handicap~~
9 DISABILITY that is unrelated to the individual's ability to per-
10 form the duties of a particular job or position.

11 Sec. 204. A labor organization shall not:

12 (a) Exclude or expel from membership, or otherwise discrimi-
13 nate against a member or applicant for membership because of a
14 ~~handicap~~ DISABILITY that is unrelated to the individual's abil-
15 ity to perform the duties of a particular job or position which
16 entitles the individual to membership.

17 (b) Limit, segregate, or classify membership, or applicants
18 for membership, or classify or fail or refuse to refer for
19 employment an individual in a way which would deprive or tend to
20 deprive an individual of employment opportunities, or which would
21 limit employment opportunities or otherwise adversely affect the
22 status of an employee or of an applicant for employment, because
23 of a ~~handicap~~ DISABILITY that is unrelated to the individual's
24 ability to perform the duties of a particular job or position.

25 (c) Cause or attempt to cause an employer to violate this
26 article.

1 (d) Fail to fairly and adequately represent a member in a
2 grievance process because of the member's ~~handicap~~ DISABILITY.

3 Sec. 205. An employer, labor organization, or joint labor
4 management committee controlling apprenticeship, on the job, or
5 other training or retraining programs shall not discriminate
6 against an individual because of a ~~handicap~~ DISABILITY in
7 admission to, or employment or continuation in, a program estab-
8 lished to provide apprenticeship or other training.

9 Sec. 206. (1) An employer, labor organization, or employ-
10 ment agency shall not print or publish or cause to be printed or
11 published a notice or advertisement relating to employment by the
12 employer or membership in or a classification or referral for
13 employment by the labor organization, or relating to a classifi-
14 cation or referral for employment by the employment agency, indi-
15 cating a preference, limitation, specification, or discrimina-
16 tion, based on a ~~handicap~~ DISABILITY that is unrelated to the
17 individual's ability to perform the duties of a particular job or
18 position.

19 (2) Except as permitted by applicable federal law, an
20 employer or employment agency shall not:

21 (a) Make or use a written or oral inquiry or form of appli-
22 cation that elicits or attempts to elicit information concerning
23 the ~~handicap~~ DISABILITY of a prospective employee for reasons
24 contrary to the provisions or purposes of this act.

25 (b) Make or keep a record of information or disclose infor-
26 mation concerning the ~~handicap~~ DISABILITY of a prospective

1 employee for reasons contrary to the provisions or purposes of
2 this act.

3 (c) Make or use a written or oral inquiry or form of appli-
4 cation that expresses a preference, limitation, or specification
5 based on the ~~handicap~~ DISABILITY of a prospective employee for
6 reasons contrary to the provisions or purposes of this act.

7 Sec. 208. A person subject to this article may adopt and
8 carry out a plan to eliminate present effects of past discrimina-
9 tory practices or assure equal opportunity with respect to indi-
10 viduals who have ~~handicaps~~ DISABILITIES if the plan has been
11 filed with the commission under rules of the commission and the
12 commission has not disapproved the plan.

13 Sec. 209. A contract to which this state, or a political
14 subdivision, or an agency of this state or of a political subdi-
15 vision of this state is a party shall contain a covenant by the
16 contractor and any subcontractors not to discriminate against an
17 employee or applicant for employment with respect to hire,
18 tenure, terms, conditions, or privileges of employment, or a
19 matter directly or indirectly related to employment, because of a
20 ~~handicap~~ DISABILITY that is unrelated to the individual's abil-
21 ity to perform the duties of a particular job or position. A
22 breach of this covenant shall be regarded as a material breach of
23 the contract.

24 Sec. 210. (1) In an action brought pursuant to this article
25 for a failure to accommodate, the ~~handicapper~~ PERSON WITH A
26 DISABILITY shall bear the burden of proof. If the ~~handicapper~~
27 PERSON WITH A DISABILITY proves a prima facie case, the person

1 shall bear the burden of producing evidence that an accommodation
2 would impose an undue hardship on that person. If the person
3 produces evidence that an accommodation would impose an undue
4 hardship on that person, the ~~handicapper~~ PERSON WITH A
5 DISABILITY shall bear the burden of proving by a preponderance of
6 the evidence that an accommodation would not impose an undue
7 hardship on that person.

8 (2) Except as provided in subsections (7), (13), and (17),
9 if the person employs fewer than 4 employees and is required
10 under this article to purchase any equipment or device to accom-
11 modate the ~~handicapper~~ PERSON WITH A DISABILITY, the total pur-
12 chase cost required to be paid by that person for that equipment
13 or device is limited to an amount equal to the state average
14 weekly wage. If the cost of an accommodation under this subsec-
15 tion exceeds the limitation established for that accommodation,
16 the accommodation imposes an undue hardship on that person. If
17 the cost of the accommodation does not exceed the limitation
18 established for that accommodation, the accommodation does not
19 impose an undue hardship on that person.

20 (3) Except as provided in subsections (7), (13), and (17),
21 if the person employs 4 or more employees but fewer than 15
22 employees and is required under this article to purchase any
23 equipment or device to accommodate the ~~handicapper~~ PERSON WITH
24 A DISABILITY, the total purchase cost required to be paid by that
25 person is limited to an amount equal to 1.5 times the state aver-
26 age weekly wage. If the cost of an accommodation under this
27 subsection exceeds the limitation established for that

1 accommodation, the accommodation imposes an undue hardship on
2 that person. If the cost of the accommodation does not exceed
3 the limitation established for that accommodation, the accommoda-
4 tion does not impose an undue hardship on that person.

5 (4) Except as provided in subsections (6), (7), (13), and
6 (17), if the person employs 15 or more employees but fewer than
7 25 employees and is required under this article to purchase any
8 equipment or device to accommodate the ~~handicapper~~ PERSON WITH
9 A DISABILITY, the total purchase cost required to be paid by that
10 person is limited to an amount equal to 2.5 times the state aver-
11 age weekly wage. If the cost of an accommodation under this sub-
12 section exceeds the limitation established for that accommoda-
13 tion, the accommodation imposes an undue hardship on that
14 person. If the cost of the accommodation does not exceed the
15 limitation established for that accommodation, the accommodation
16 does not impose an undue hardship on that person.

17 (5) Except as provided in subsections (6), (7), (13), and
18 (17), if the person employs 25 or more employees and the total
19 purchase cost of any equipment or device required to accommodate
20 an employee under this article is equal to or less than 2.5 times
21 the state average weekly wage, the accommodation does not impose
22 an undue hardship on that person.

23 (6) ~~If Senate Bill No. 933 or House Bill No. 2273 of the~~
24 ~~101st Congress of the United States is enacted into law, and~~
25 ~~beginning 2 years after the effective date of that law, except~~
26 EXCEPT as provided in subsections (7), (13), and (17), if the
27 person employs 15 or more employees and the total purchase cost

1 of any equipment or device required to accommodate an employee
2 under this article is equal to or less than 2.5 times the state
3 average weekly wage, the accommodation does not impose an undue
4 hardship on that person.

5 (7) Subsections (2) to (6) do not limit the cost of reason-
6 able routine maintenance or repair of equipment or devices needed
7 to accommodate a ~~handicapper~~ PERSON WITH A DISABILITY under
8 this article.

9 (8) Except as provided in subsections (13) and (17), if the
10 person employs fewer than 4 employees and is required to hire or
11 retain 1 or more individuals as readers or interpreters to accom-
12 modate the ~~handicapper~~ PERSON WITH A DISABILITY in performing
13 the duties of his or her job, the cost required to be paid by
14 that person is limited to an amount equal to 7 times the state
15 average weekly wage for the first year the ~~handicapper~~ PERSON
16 WITH A DISABILITY is hired, promoted, or transferred to that job,
17 and 5 times the state average weekly wage for each year after the
18 first year the ~~handicapper~~ PERSON WITH A DISABILITY is hired,
19 promoted, or transferred to that job. If the cost of an accommo-
20 dation under this subsection exceeds the limitation established
21 for that accommodation, the accommodation imposes an undue hard-
22 ship on that person. If the cost of the accommodation does not
23 exceed the limitation established for that accommodation, the
24 accommodation does not impose an undue hardship on that person.

25 (9) Except as provided in subsections (13) and (17), if the
26 person employs 4 or more employees but fewer than 15 employees
27 and is required to hire or retain 1 or more individuals as

1 readers or interpreters to accommodate the ~~handicapper~~ PERSON
2 WITH A DISABILITY in performing the duties of his or her job, the
3 cost required to be paid by that person is limited to an amount
4 equal to 10 times the state average weekly wage for the first
5 year the ~~handicapper~~ PERSON WITH A DISABILITY is hired, pro-
6 moted, or transferred to that job, and 7 times the state average
7 weekly wage for each year after the first year the ~~handicapper~~
8 PERSON WITH A DISABILITY is hired, promoted, or transferred to
9 that job. If the cost of an accommodation under this subsection
10 exceeds the limitation established for that accommodation, the
11 accommodation imposes an undue hardship on that person. If the
12 cost of the accommodation does not exceed the limitation estab-
13 lished for that accommodation, the accommodation does not impose
14 an undue hardship on that person.

15 (10) Except as provided in subsections (12), (13), and (17),
16 if the person employs 15 or more employees but fewer than 25
17 employees and is required to hire or retain 1 or more individuals
18 as readers or interpreters to accommodate the ~~handicapper~~
19 PERSON WITH A DISABILITY in performing the duties of his or her
20 job, the cost required to be paid by that person is limited to an
21 amount equal to 15 times the state average weekly wage for the
22 first year the ~~handicapper~~ PERSON WITH A DISABILITY is hired,
23 promoted, or transferred to that job, and 10 times the state
24 average weekly wage for each year after the first year the
25 ~~handicapper~~ PERSON WITH A DISABILITY is hired, promoted, or
26 transferred to that job. If the cost of an accommodation under
27 this subsection exceeds the limitation established for that

1 accommodation, the accommodation imposes an undue hardship on
2 that person. If the cost of the accommodation does not exceed
3 the limitation established for that accommodation, the accommoda-
4 tion does not impose an undue hardship on that person.

5 (11) Except as provided in subsections (12), (13), and (17),
6 if the person employs 25 or more employees and the cost required
7 to hire or retain 1 or more individuals as readers or inter-
8 preters to accommodate the ~~handicapper~~ PERSON WITH A DISABILITY
9 in performing the duties of his or her job is less than or equal
10 to 15 times the state average weekly wage for the first year the
11 ~~handicapper~~ PERSON WITH A DISABILITY is hired, promoted, or
12 transferred to that job, and is less than or equal to 10 times
13 the state average weekly wage for each year after the first year
14 the ~~handicapper~~ PERSON WITH A DISABILITY is hired, promoted, or
15 transferred to that job, the accommodation does not impose an
16 undue hardship on that person.

17 (12) ~~If Senate Bill No. 933 or House Bill No. 2273 of the~~
18 ~~101st Congress of the United States is enacted into law, and~~
19 ~~beginning 2 years after the effective date of that law, except~~
20 EXCEPT as provided in subsections (13) and (17), if the person
21 employs 15 or more employees and the cost required to hire or
22 retain 1 or more individuals as readers or interpreters to accom-
23 modate the ~~handicapper~~ PERSON WITH A DISABILITY in performing
24 the duties of his or her job is less than or equal to 15 times
25 the state average weekly wage for the first year the
26 ~~handicapper~~ PERSON WITH A DISABILITY is hired, promoted, or
27 transferred to that job, and is less than or equal to 10 times

1 the state average weekly wage for each year after the first year
2 the ~~handicapper~~ PERSON WITH A DISABILITY is hired, promoted, or
3 transferred to that job, the accommodation does not impose an
4 undue hardship on that person.

5 (13) If the ~~handicapper~~ PERSON WITH A DISABILITY is a tem-
6 porary employee, the limitations established for accommodations
7 under subsections (2), (3), (4), (5), (6), (8), (9), (10), (11),
8 and (12) are reduced by 50%.

9 (14) A person who employs fewer than 15 employees is not
10 required to restructure a job or alter the schedule of employees
11 as an accommodation under this article.

12 (15) Job restructuring and altering the schedule of employ-
13 ees under this article applies only to minor or infrequent duties
14 relating to the particular job held by the ~~handicapper~~ PERSON
15 WITH A DISABILITY.

16 (16) If a person can accommodate a ~~handicapper~~ PERSON WITH
17 A DISABILITY under this article only by purchasing equipment or
18 devices and hiring or retaining 1 or more individuals as readers
19 or interpreters, the person shall, subject to subsections (2) to
20 (13) and subsection (17), purchase the equipment or devices and
21 hire or retain 1 or more individuals as readers or interpreters
22 to accommodate that ~~handicapper~~ PERSON WITH A DISABILITY.

23 However, if the person can accommodate that ~~handicapper~~ PERSON
24 WITH A DISABILITY by purchasing equipment or devices or by hiring
25 or retaining 1 or more individuals as readers or interpreters,
26 the person shall consult the ~~handicapper~~ PERSON WITH A
27 DISABILITY and, subject to subsections (2) to (13) and subsection

1 (17), choose whether to purchase equipment or devices or hire or
2 retain 1 or more individuals as readers or interpreters.

3 (17) Subsections (2) to (16) do not apply to either of the
4 following:

5 (a) A public employer. As used in this subdivision, "public
6 employer" means this state or a political subdivision of this
7 state.

8 (b) An organization exempt from taxation under
9 section 501(c)(3) of the internal revenue code OF 1986.

10 (18) A ~~handicapper~~ PERSON WITH A DISABILITY may allege a
11 violation against a person regarding a failure to accommodate
12 under this article only if the ~~handicapper~~ PERSON WITH A
13 DISABILITY notifies the person in writing of the need for accom-
14 modation within 182 days after the date the ~~handicapper~~ PERSON
15 WITH A DISABILITY knew or reasonably should have known that an
16 accommodation was needed.

17 (19) A person shall post notices or use other appropriate
18 means to provide all employees and job applicants with notice of
19 the requirements of subsection (18).

20 Sec. 211. A person may, under this article, do 1 or more of
21 the following:

22 (a) Establish employment policies, programs, procedures, or
23 work rules regarding the use of alcoholic liquor or the illegal
24 use of drugs.

25 (b) Apply different standards of compensation, or different
26 terms, conditions, or privileges of employment pursuant to a bona
27 fide seniority or merit system, transfer system, scheduling

1 system, assignment system, or attendance plan if those standards
2 of compensation or terms, conditions, or privileges of employment
3 are not a subterfuge to evade the purposes of this article.

4 (c) Establish uniform policies requiring employees who have
5 been absent from work because of illness or injury to submit evi-
6 dence of the ability to return to work. This subdivision does
7 not allow a person to establish a policy requiring only
8 ~~handicappers~~ PERSONS WITH DISABILITIES to submit evidence of
9 the ability to return to work.

10 (d) Either of the following:

11 (i) Prohibit an employee who is being compensated under the
12 worker's disability compensation act of 1969, ~~Act No. 317 of the~~
13 ~~Public Acts of 1969, being sections 418.101 to 418.941 of the~~
14 ~~Michigan Compiled Laws~~ 1969 PA 317, MCL 418.101 TO 418.941, for
15 an injury arising out of and in the course of his or her employ-
16 ment with that person from returning to work in a restructured
17 job.

18 (ii) Require an employee who is being compensated under ~~Act~~
19 ~~No. 317 of the Public Acts of 1969~~ THE WORKER'S DISABILITY COM-
20 PENSATION ACT OF 1969, 1969 PA 317, MCL 418.101 TO 418.941, for
21 an injury arising out of and in the course of his or her employ-
22 ment with that person to return to work as provided by law, if
23 the person accommodates the employee as required under this
24 article.

25 Sec. 302. Except where permitted by law, a person shall
26 not:

1 (a) Deny an individual the full and equal enjoyment of the
2 goods, services, facilities, privileges, advantages, and
3 accommodations of a place of public accommodation or public serv-
4 ice because of a ~~handicap~~ DISABILITY that is unrelated to the
5 individual's ability to utilize and benefit from the goods, serv-
6 ices, facilities, privileges, advantages, or accommodations or
7 because of the use by an individual of adaptive devices or aids.

8 (b) Print, circulate, post, mail, or otherwise cause to be
9 published a statement, advertisement, or sign which indicates
10 that the full and equal enjoyment of the goods, services, facili-
11 ties, privileges, advantages, and accommodations of a place of
12 public accommodation or public service will be refused, withheld
13 from, or denied an individual because of a ~~handicap~~ DISABILITY
14 that is unrelated to the individual's ability to utilize and ben-
15 efit from the goods, services, facilities, privileges, advan-
16 tages, or accommodations or because of the use by an individual
17 of adaptive devices or aids, or that an individual's patronage of
18 or presence at a place of public accommodation is objectionable,
19 unwelcome, unacceptable, or undesirable because of a ~~handicap~~
20 DISABILITY that is unrelated to the individual's ability to uti-
21 lize and benefit from the goods, services, facilities, privi-
22 leges, advantages, or accommodations or because of the use by an
23 individual of adaptive devices or aids.

24 Sec. 402. An educational institution shall not do any of
25 the following:

26 (a) Discriminate in any manner in the full utilization of or
27 benefit from the institution, or the services provided and

1 rendered by the institution to an individual because of a
2 ~~handicap~~ DISABILITY that is unrelated to the individual's abil-
3 ity to utilize and benefit from the institution or its services,
4 or because of the use by an individual of adaptive devices or
5 aids.

6 (b) Exclude, expel, limit, or otherwise discriminate against
7 an individual seeking admission as a student or an individual
8 enrolled as a student in the terms, conditions, and privileges of
9 the institution, because of a ~~handicap~~ DISABILITY that is unre-
10 lated to the individual's ability to utilize and benefit from the
11 institution, or because of the use by an individual of adaptive
12 devices or aids.

13 (c) Make or use a written or oral inquiry or form of appli-
14 cation for admission that elicits or attempts to elicit informa-
15 tion, or make or keep a record, concerning the ~~handicap~~
16 DISABILITY of an applicant for admission for reasons contrary to
17 the provisions or purposes of this act.

18 (d) Print or publish or cause to be printed or published a
19 catalog or other notice or advertisement indicating a preference,
20 limitation, specification, or discrimination based on the
21 ~~handicap~~ DISABILITY of an applicant that is unrelated to the
22 applicant's ability to utilize and benefit from the institution
23 or its services, or the use of adaptive devices or aids by an
24 applicant for admission to the educational institution.

25 (e) Announce or follow a policy of denial or limitation
26 through a quota or otherwise of educational opportunities of a
27 group or its members because of a ~~handicap~~ DISABILITY that is

1 unrelated to the group or member's ability to utilize and benefit
2 from the institution or its services, or because of the use by
3 the members of a group or an individual in the group of adaptive
4 devices or aids.

5 (f) Develop a curriculum or utilize textbooks and training
6 or learning materials which promote or foster physical or mental
7 stereotypes.

8 Sec. 403. An educational institution may adopt and carry
9 out a plan to eliminate present effects of past discriminatory
10 practices or assure equal opportunity with respect to
11 ~~individuals who have handicaps~~ PERSONS WITH DISABILITIES if the
12 plan is filed with the commission, under rules of the commission
13 and the commission has not disapproved the plan.

14 Sec. 502. (1) An owner or any other person engaging in a
15 real estate transaction, or a real estate broker or salesman
16 shall not, on the basis of a ~~handicap~~ DISABILITY of a buyer or
17 renter, of a person residing in or intending to reside in a
18 dwelling after it is sold, rented, or made available, or of any
19 person associated with that buyer or renter, that is unrelated to
20 the individual's ability to acquire, rent, or maintain property
21 or use by an individual of adaptive devices or aids:

22 (a) Refuse to engage in a real estate transaction with a
23 person.

24 (b) Discriminate against a person in the terms, conditions,
25 or privileges of a real estate transaction or in the furnishing
26 of facilities or services in connection with a real estate
27 transaction.

1 (c) Refuse to receive or fail to transmit a bona fide offer
2 to engage in a real estate transaction from a person.

3 (d) Refuse to negotiate for a real estate transaction with a
4 person.

5 (e) Represent to a person that real property is not avail-
6 able for inspection, sale, rental, or lease when in fact it is
7 available, fail to bring a property listing to a person's atten-
8 tion, refuse to permit a person to inspect real property, or oth-
9 erwise deny or make real property unavailable to a person.

10 (f) Make, print, circulate, post, or mail or cause to be
11 made or published a statement, advertisement, or sign, or use a
12 form of application for a real estate transaction, or make a
13 record of inquiry in connection with a prospective real estate
14 transaction, which indicates, directly or indirectly, an intent
15 to make a limitation, specification, or discrimination with
16 respect to a real estate transaction.

17 (g) Offer, solicit, accept, use, or retain a listing of real
18 property with the understanding that a person may be discrimi-
19 nated against in a real estate transaction or in the furnishing
20 of facilities or services in connection with a real estate
21 transaction.

22 (h) Discriminate against a person in the brokering or
23 appraising of real property.

24 (2) A person shall not deny a person access to or membership
25 or participation in a multiple listing service, real estate
26 brokers' organization or other service, organization, or facility
27 relating to the business of selling or renting real property, or

1 discriminate against a person in the terms or conditions of that
2 access, membership, or participation.

3 Sec. 504. A person shall not discriminate on the basis of
4 ~~handicap~~ DISABILITY in making or purchasing loans for acquir-
5 ing, constructing, improving, repairing, or maintaining real
6 property, or in providing other financial assistance secured by
7 or otherwise related to real property.

8 Sec. 505. Nothing in this article shall be ~~deemed~~
9 CONSIDERED to prohibit an owner, lender, or his OR HER agent from
10 requiring that an applicant who seeks to buy, rent, lease, or
11 obtain financial assistance for housing accommodations supply
12 information concerning the applicant's financial, business, or
13 employment status or other information designed solely to deter-
14 mine the applicant's credit worthiness, but not concerning
15 ~~handicaps~~ DISABILITIES for reasons contrary to the provisions
16 or purposes of this act.

17 Sec. 506. A person shall not represent, for the purpose of
18 inducing a real estate transaction from which he OR SHE may bene-
19 fit financially or otherwise, that a change has occurred or will
20 or may occur in the composition with respect to ~~handicappers~~
21 PERSONS WITH DISABILITIES of the owners or occupants in the
22 block, neighborhood, or area in which the real property is
23 located, or represent that this change will or may result in the
24 lowering of property values, an increase in criminal or antiso-
25 cial behavior, or a decline in the quality of schools in the
26 block, neighborhood, or area in which the real property is
27 located.

1 Sec. 506a. (1) A person shall not do any of the following
2 in connection with a real estate transaction:

3 (a) Refuse to permit, at the expense of the ~~handicapper~~
4 PERSON WITH A DISABILITY, reasonable modifications of existing
5 premises occupied or to be occupied by the ~~handicapper~~ PERSON
6 WITH A DISABILITY if those modifications may be necessary to
7 afford the ~~handicapper~~ PERSON WITH A DISABILITY full enjoyment
8 of the premises. In the case of a rental, the landlord may, if
9 reasonable, make permission for a modification contingent on the
10 renter's agreement to restore the interior of the premises to the
11 condition that existed before the modification, reasonable wear
12 and tear excepted.

13 (b) Refuse to make reasonable accommodations in rules, poli-
14 cies, practices, or services, when the accommodations may be nec-
15 essary to afford the ~~handicapper~~ PERSON WITH A DISABILITY equal
16 opportunity to use and enjoy residential real property.

17 (c) In connection with the design and construction of cov-
18 ered multifamily dwellings for first occupancy after March 13,
19 1991, fail to include all of the following features:

20 (i) The dwellings have at least 1 building entrance on an
21 accessible route, unless that is impractical because of the ter-
22 rain or unusual characteristics of the site.

23 (ii) The public and common use portions of the dwellings are
24 readily accessible to and usable by ~~handicappers~~ PERSONS WITH
25 DISABILITIES.

26 (iii) All the doors designed to allow passage into and
27 within all premises within the dwellings are sufficiently wide to

1 allow passage by ~~handicappers~~ PERSONS WITH DISABILITIES in
2 wheelchairs.

3 (iv) All premises within covered multifamily dwellings con-
4 tain an accessible route into and through the dwelling; light
5 switches, electrical outlets, thermostats, and other environmen-
6 tal controls in accessible locations; reinforcements in bathroom
7 walls to allow later installation of grab bars; and kitchens and
8 bathrooms designed so that an individual in a wheelchair can
9 maneuver about the space.

10 (2) As used in this section, "covered multifamily dwellings"
11 means buildings consisting of 4 or more units if the buildings
12 have 1 or more elevators, and ground floor units in other build-
13 ings consisting of 4 or more units.

14 Sec. 507. A person subject to this article may adopt and
15 carry out a plan to eliminate present effects of past discrimina-
16 tory practices or assure equal opportunity with respect to indi-
17 viduals who have ~~handicaps~~ DISABILITIES, if the plan is filed
18 with the commission under rules of the commission and the commis-
19 sion has not disapproved the plan.

20 Sec. 604. Nothing in this act shall be interpreted as
21 invalidating any other act that establishes or provides programs
22 or services for ~~individuals with handicaps~~ PERSONS WITH
23 DISABILITIES.

24 Sec. 606. (1) A person alleging a violation of this act may
25 bring a civil action for appropriate injunctive relief or dam-
26 ages, or both.

1 (2) An action commenced pursuant to subsection (1) may be
2 brought in the circuit court for the county where the alleged
3 violation occurred, or for the county where the person against
4 whom the civil complaint is filed resides or has his or her prin-
5 cipal place of business.

6 (3) As used in subsection (1), "damages" means damages for
7 injury or loss caused by each violation of this act, including
8 reasonable attorneys' fees.

9 (4) The amount of compensation awarded for lost wages under
10 this act for an injury under article 2 shall be reduced by the
11 amount of compensation received for lost wages under the worker's
12 disability compensation act of 1969, ~~Act No. 317 of the Public~~
13 ~~Acts of 1969, being sections 418.101 to 418.941 of the Michigan~~
14 ~~Compiled Laws~~ 1969 PA 317, MCL 418.101 TO 418.941, for that
15 injury and by the present value of the future compensation for
16 lost wages to be received under ~~Act No. 318 of the Public Acts~~
17 ~~of 1969~~ THE WORKER'S DISABILITY COMPENSATION ACT OF 1969, 1969
18 PA 317, MCL 418.101 TO 418.941, for that injury.

19 (5) A ~~handicapper~~ PERSON WITH A DISABILITY may not bring a
20 civil action under subsection (1) for a failure to accommodate
21 under article 2 unless he or she has notified the person of the
22 need for accommodation as required under section 210(18). This
23 subsection does not apply if the person failed to comply with the
24 requirements of section 210(19).