

# HOUSE BILL No. 4078

January 28, 1997, Introduced by Reps. Crissman, McManus, McBryde, Goschka and Jaye and referred to the Committee on Constitutional and Civil Rights.

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 202, 203, and 402 (MCL 37.2202, 37.2203, and 37.2402), section 202 as amended by 1991 PA 11 and section 402 as amended by 1993 PA 216.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 202. (1) An employer shall not do any of the  
2 following:

3       (a) Fail or refuse to hire or recruit, discharge, or other-  
4 wise discriminate against an individual with respect to employ-  
5 ment, compensation, or a term, condition, or privilege of employ-  
6 ment, because of religion, race, color, national origin, age,  
7 sex, height, weight, or marital status.

1 (b) Limit, segregate, or classify an employee or applicant  
2 for employment in a way that deprives or tends to deprive the  
3 employee or applicant of an employment opportunity, or otherwise  
4 adversely affects the status of an employee or applicant because  
5 of religion, race, color, national origin, age, sex, height,  
6 weight, or marital status.

7 (c) Segregate, classify, or otherwise discriminate against a  
8 person on the basis of sex with respect to a term, condition, or  
9 privilege of employment, including, but not limited to, a benefit  
10 plan or system.

11 (d) Until January 1, 1994, require an employee of an insti-  
12 tution of higher education who is serving under a contract of  
13 unlimited tenure, or similar arrangement providing for unlimited  
14 tenure, to retire from employment on the basis of the employee's  
15 age. As used in this subdivision, "institution of higher  
16 education" means a public or private university, college, commu-  
17 nity college, or junior college located in this state.

18 (E) ADJUST A TEST SCORE, USE A DIFFERENT CUT-OFF SCORE, OR  
19 OTHERWISE ALTER THE RESULTS OF A TEST ON THE BASIS OF RELIGION,  
20 RACE, COLOR, NATIONAL ORIGIN, OR SEX FOR THE PURPOSE OF SELECTING  
21 OR REFERRING AN APPLICANT OR CANDIDATE FOR EMPLOYMENT OR  
22 PROMOTION.

23 (2) This section shall not be construed to prohibit the  
24 establishment or implementation of a bona fide retirement policy  
25 or system that is not a subterfuge to evade the purposes of this  
26 section.

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

3 Sec. 203. An employment agency shall not ~~fail~~ DO ANY OF  
4 THE FOLLOWING:

5 (A) FAIL or refuse to procure, refer, recruit, or place for  
6 employment, or otherwise discriminate against, an individual  
7 because of religion, race, color, national origin, age, sex,  
8 height, weight, or marital status. ~~; or classify~~

9 (B) CLASSIFY or refer for employment an individual on the  
10 basis of religion, race, color, national origin, age, sex,  
11 height, weight, or marital status.

12 (C) ADJUST A TEST SCORE, USE A DIFFERENT CUT-OFF SCORE, OR  
13 OTHERWISE ALTER THE RESULTS OF A TEST ON THE BASIS OF RELIGION,  
14 RACE, COLOR, NATIONAL ORIGIN, OR SEX FOR THE PURPOSE OF SELECTING  
15 OR REFERRING AN APPLICANT OR CANDIDATE FOR EMPLOYMENT OR  
16 PROMOTION.

17 Sec. 402. (1) An educational institution shall not do any  
18 of the following:

19 (a) Discriminate against an individual in the full utiliza-  
20 tion of or benefit from the institution, or the services, activi-  
21 ties, or programs provided by the institution because of reli-  
22 gion, race, color, national origin, or sex.

23 (b) Exclude, expel, limit, or otherwise discriminate against  
24 an individual seeking admission as a student or an individual  
25 enrolled as a student in the terms, conditions, or privileges of  
26 the institution, because of religion, race, color, national  
27 origin, or sex.

1 (c) For purposes of admission only, make or use a written or  
2 oral inquiry or form of application that elicits or attempts to  
3 elicit information concerning the religion, race, color, national  
4 origin, age, sex, or marital status of a person, except as per-  
5 mitted by rule of the commission or as required by federal law,  
6 rule, or regulation, or pursuant to an affirmative action  
7 program.

8 (d) Print or publish or cause to be printed or published a  
9 catalog, notice, or advertisement indicating a preference, limi-  
10 tation, specification, or discrimination based on the religion,  
11 race, color, national origin, or sex of an applicant for admis-  
12 sion to the educational institution.

13 (e) Announce or follow a policy of denial or limitation  
14 through a quota or otherwise of educational opportunities of a  
15 group or its members because of religion, race, color, national  
16 origin, or sex.

17 (F) ADJUST A TEST SCORE, USE A DIFFERENT TEST OR CUT-OFF  
18 SCORE, OR OTHERWISE ALTER THE RESULTS OF A TEST ON THE BASIS OF  
19 RELIGION, RACE, COLOR, NATIONAL ORIGIN, GENDER, VETERAN STATUS,  
20 ATHLETIC ABILITY, RELATIONSHIP TO ALUMNI, RELATIONSHIP TO SCHOOL  
21 EMPLOYEES, RELATIONSHIP TO A FINANCIAL CONTRIBUTOR, OR RELATION-  
22 SHIP TO A POLITICAL OR PUBLIC FIGURE FOR THE PURPOSE OF SELECTING  
23 AN INDIVIDUAL FOR ADMISSION INTO THAT EDUCATIONAL INSTITUTION,  
24 DETERMINING CLASS RANK OR CLASS STATUS OF AN INDIVIDUAL, OR  
25 DETERMINING AN INDIVIDUAL'S ELIGIBILITY TO PARTICIPATE IN ANY  
26 PROGRAM OF THAT EDUCATIONAL INSTITUTION.

1           (2) AS USED IN THIS SECTION, "TEST SCORE" MEANS THE RESULT  
2 OF A STANDARDIZED TEST USED FOR THE PURPOSE OF ADMISSION TO AN  
3 INSTITUTION OF HIGHER EDUCATION.