

HOUSE BILL No. 4256

February 11, 1997, Introduced by Reps. Martinez, Wallace, Hale, Anthony, DeHart, Baird, Hanley, Schauer, LaForge, Gire, Cherry, Tesanovich, Bogardus, Ciaramitaro, Freeman, Bankes, Goschka, Willard, Schroer, Profit, Baade, Scott, Curtis, Schermesser, Quarles, Rison, Prusi, Parks, Murphy, Dobronski, Emerson, Brater, Callahan, Brown and Varga and referred to the Committee on Labor and Occupational Safety.

A bill to amend 1976 PA 220, entitled "Michigan handicappers' civil rights act," by amending sections 201 and 202 (MCL 37.1201 and 37.1202), section 201 as amended by 1990 PA 121.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 201. As used in this article:

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

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

8 (C) ~~(b)~~ "Employer" means a person who has 1 or more
9 employees or a person who as A contractor or subcontractor ~~is~~
10 ~~furnishing~~ FURNISHES material or ~~performing~~ PERFORMS work for

1 the state or a governmental entity or agency of the state and
2 includes an agent of ~~such a~~ THAT person.

3 (D) ~~(c)~~ "Employment agency" means a person WHO regularly
4 ~~undertaking~~ UNDERTAKES, with or without compensation, to pro-
5 cure employees for an employer or to procure for employees oppor-
6 tunities to work for an employer and includes an agent of ~~such~~
7 ~~a~~ THAT person.

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

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

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

18 (iii) An agent of a labor organization.

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

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

24 (b) Discharge or otherwise discriminate against an individ-
25 ual with respect to compensation or the terms, conditions, or
26 privileges of employment ~~—~~ 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 (c) Limit, segregate, or classify an employee or applicant
4 for employment in a way ~~which~~ THAT deprives or tends to deprive
5 an individual of AN employment ~~opportunities~~ OPPORTUNITY or
6 otherwise adversely affects the status of an employee because of
7 a handicap that is unrelated to the individual's ability to per-
8 form the duties of a particular job or position.

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

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

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

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

25 (H) FAIL OR REFUSE TO PROVIDE COMPENSATION EQUALLY FOR WORK
26 OF COMPARABLE VALUE IN TERMS OF THE COMPOSITE SKILL,
27 RESPONSIBILITY, EFFORT, EDUCATION OR TRAINING, AND WORKING

1 CONDITIONS BECAUSE OF A HANDICAP THAT IS UNRELATED TO THE
2 INDIVIDUAL'S ABILITY TO PERFORM THE DUTIES OF A PARTICULAR JOB OR
3 POSITION.

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

6 Enacting section 1. This amendatory act does not take
7 effect unless Senate Bill No. _____ or House Bill No. _____
8 (request no. 00860'97) of the 89th Legislature is enacted into
9 law.