

HOUSE BILL No. 6332

July 23, 2008, Introduced by Rep. Ebli and referred to the Committee on Oversight and Investigations.

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
(MCL 37.2101 to 37.2804) by adding section 212.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 212. (1) AN EMPLOYER SHALL NOT DISCHARGE WITHOUT CAUSE OR
2 LAY OFF AN EMPLOYEE WHO IS NOT AN UNAUTHORIZED ALIEN IF THE
3 EMPLOYER RETAINS OR REPLACES THE EMPLOYEE WITH AN EMPLOYEE WHO IS
4 AN UNAUTHORIZED ALIEN. A PERSON WHO IS DISCHARGED IN VIOLATION OF
5 THIS SUBSECTION MAY BRING A CIVIL ACTION AGAINST THE EMPLOYER IN
6 THE CIRCUIT COURT FOR INJUNCTIVE RELIEF, DAMAGES, OR BOTH. THE
7 COURT SHALL AWARD REASONABLE ATTORNEY FEES TO A PLAINTIFF WHO
8 PREVAILS IN AN ACTION UNDER THIS SECTION.

9 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), THIS ARTICLE DOES
10 NOT PROVIDE A DEFENSE TO A CLAIM FOR LOST WAGES, REINSTATEMENT, OR

1 OTHER EQUITABLE RELIEF BY AN EMPLOYEE WHO IS DISCHARGED OR LAID OFF
2 IN VIOLATION OF SUBSECTION (1).

3 (3) IT IS A DEFENSE TO A CLAIM UNDER SUBSECTION (1) THAT THE
4 EMPLOYER USED A BONA FIDE ELECTRONIC VERIFICATION SYSTEM TO
5 DETERMINE THAT THE RETAINED OR REPLACEMENT EMPLOYEE WAS NOT AN
6 UNAUTHORIZED ALIEN, EVEN IF THE DETERMINATION IS ULTIMATELY PROVED
7 ERRONEOUS.

8 (4) FOR PURPOSES OF THIS SECTION, "UNAUTHORIZED ALIEN" MEANS
9 WITH RESPECT TO THE EMPLOYMENT OF AN ALIEN AT A PARTICULAR TIME,
10 THAT THE ALIEN IS NOT AT THAT TIME EITHER OF THE FOLLOWING:

11 (A) AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE
12 UNITED STATES.

13 (B) AN ALIEN AUTHORIZED TO BE EMPLOYED IN THE UNITED STATES
14 UNDER FEDERAL LAW.