

HOUSE BILL No. 4366

March 5, 2013, Introduced by Reps. Durhal, Dillon, Haugh, Stallworth, Rutledge, Brunner, Geiss, Faris, Talabi, Banks and Cavanagh and referred to the Committee on Commerce.

A bill to prohibit certain inquiries in employment applications; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "employment application fairness act".

3 Sec. 3. As used in this act:

4 (a) "Employer" means an individual or entity that permits an
5 individual to work under an express or implied contract of hire,
6 accepts applications for employment, or refers individuals for
7 employment.

8 (b) "Initial application for employment" means a paper or
9 electronic application used to gather information about job
10 applicants at a preliminary stage before any evaluation or
11 selection has been made as to the applicants.

1 Sec. 5. An employer shall not make or use an initial
2 application for employment that elicits or attempts to elicit
3 information concerning conviction of a felony. The prohibition in
4 this section does not apply to any of the following:

5 (a) A background check or any written, electronic, or oral
6 inquiry that takes place after the submission of the initial
7 application for employment.

8 (b) An inquiry that is necessary to enable an employer to
9 comply with a requirement of state or federal law.

10 Sec. 7. A person alleging a violation of this act may bring a
11 civil action for appropriate injunctive relief or damages, or both,
12 in the circuit court for the county where the alleged violation
13 occurred or where the person against whom the civil complaint is
14 filed resides or has his or her principal place of business. In
15 addition to damages for injury or loss caused by each violation of
16 this act, the court may award all or a portion of the costs of
17 litigation, including reasonable attorney fees and witness fees, to
18 the complainant in the action.