

# SENATE BILL No. 322

April 25, 2017, Introduced by Senators BIEDA, WARREN, KNEZEK, HERTEL, HOOD, ANANICH, HOPGOOD, GREGORY, JOHNSON and YOUNG and referred to the Committee on Government Operations.

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 602 (MCL 37.2602), as amended by 1992 PA 258, and by adding section 202b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 202B. (1) AN EMPLOYER EMPLOYING 50 OR MORE INDIVIDUALS AT  
2 ANY TIME DURING THE CALENDAR YEAR AT A SINGLE WORK SITE IN THIS  
3 STATE SHALL INFORM EMPLOYEES OF, AND KEEP POSTED AT THE WORK SITE  
4 IN A CONSPICUOUS PLACE WHERE EMPLOYEES MAY CONVENIENTLY READ IT, A  
5 NOTICE WITH ALL OF THE FOLLOWING INFORMATION:

6           (A) A STATEMENT THAT IT IS ILLEGAL UNDER FEDERAL LAW TO PAY  
7 EMPLOYEES DIFFERENT WAGES FOR THE SAME WORK BASED SOLELY ON RACE,  
8 COLOR, RELIGION, SEX, NATIONAL ORIGIN, AGE, GENETIC INFORMATION, OR  
9 DISABILITY.

1 (B) A STATEMENT THAT IT IS ILLEGAL UNDER THE LAW OF THIS STATE  
2 TO PAY EMPLOYEES DIFFERENT WAGES FOR THE SAME WORK BASED SOLELY ON  
3 RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, HEIGHT, WEIGHT,  
4 OR MARITAL STATUS.

5 (C) A STATEMENT THAT AN EMPLOYEE WHO BELIEVES HIS OR HER  
6 EMPLOYER HAS VIOLATED THE LAW REQUIRING EQUAL PAY MAY CONTACT THE  
7 MICHIGAN DEPARTMENT OF CIVIL RIGHTS.

8 (D) THE TELEPHONE NUMBER REQUIRED UNDER SECTION 602(G) AND THE  
9 INTERNET ADDRESS OF THE WEBSITE REQUIRED UNDER SECTION 602(H) .

10 (2) THE NOTICE UNDER SUBSECTION (1) MUST BE IN A FORM APPROVED  
11 BY THE DEPARTMENT. THE DEPARTMENT MAY INCLUDE ADDITIONAL  
12 INFORMATION IN THE NOTICE REGARDING THE RIGHTS OF EMPLOYEES UNDER  
13 THE LAW OF THIS STATE.

14 (3) AN EMPLOYER THAT VIOLATES THIS SECTION IS RESPONSIBLE FOR  
15 A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF  
16 NOT MORE THAN \$100.00.

17 Sec. 602. The department shall:

18 (a) Be responsible to the executive director, who ~~shall be~~ IS  
19 the principal executive officer of the department and ~~shall be~~ IS  
20 responsible for executing the policies of the commission.

21 (b) Appoint necessary employees and agents and fix their  
22 compensation in accordance with civil service rules. The attorney  
23 general shall appear for and represent the department or the  
24 commission in a court having jurisdiction of a matter under this  
25 act.

26 (c) Receive, initiate, investigate, conciliate, adjust,  
27 dispose of, issue charges, and hold hearings on complaints alleging

1 a violation of this act, and approve or disapprove plans to correct  
2 past discriminatory practices which have caused or resulted in a  
3 denial of equal opportunity with respect to groups or persons  
4 protected by this act.

5 (d) Require answers to interrogatories; ~~order~~ the submission  
6 of books, papers, records, and other materials pertinent to a  
7 complaint; ~~and~~ require the attendance of witnesses; ~~administer~~  
8 oaths; ~~take~~ testimony; ~~and~~ compel, through court authorization,  
9 compliance with its orders or an order of the commission.

10 (e) Cooperate or contract with persons and state, local, and  
11 other agencies, both public and private, including agencies of the  
12 federal government and of other states.

13 (f) Monitor the awarding and execution of contracts to ensure  
14 compliance by a contractor or a subcontractor with a covenant  
15 entered into or to be entered into pursuant to section 209.

16 **(G) MAINTAIN A DEDICATED TELEPHONE LINE FOR REPORTING**  
17 **VIOLATIONS OF THIS ACT THAT ALLOWS ANONYMOUS REPORTING.**

18 **(H) MAINTAIN A PUBLIC WEBSITE THAT INCLUDES ALL OF THE**  
19 **FOLLOWING:**

20 **(i) INFORMATION ABOUT RIGHTS UNDER THIS ACT.**

21 **(ii) A LINK TO AN EASY-TO-USE FORM FOR ELECTRONIC REPORTING OF**  
22 **A VIOLATION OF THIS ACT THAT ALLOWS ANONYMOUS REPORTING.**

23 **(iii) PROMINENT DISPLAY OF THE TELEPHONE NUMBER FOR REPORTING**  
24 **A VIOLATION OF THIS ACT.**

25 Enacting section 1. This amendatory act takes effect 90 days  
26 after the date it is enacted into law.