

# HOUSE BILL No. 4610

April 14, 2005, Introduced by Reps. Bieda, Condino, Whitmer, Kolb and Cushingberry and referred to the Committee on Employment Relations, Training, and Safety.

A bill to amend 1976 PA 453, entitled  
"Elliott-Larsen civil rights act,"  
by amending section 202 (MCL 37.2202), as amended by 1991 PA 11.

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

- 1           Sec. 202. (1) An employer shall not do any of the following:
- 2           (a) Fail or refuse to hire or recruit, discharge, or otherwise
- 3 discriminate against an individual with respect to employment,
- 4 compensation, or a term, condition, or privilege of employment —
- 5 because of religion, race, color, national origin, age, sex,
- 6 height, weight, or marital status.
- 7           (b) Limit, segregate, or classify an employee or applicant for
- 8 employment in a way that deprives or tends to deprive the employee

1 or applicant of an employment opportunity — or otherwise  
2 adversely affects the status of an employee or applicant because of  
3 religion, race, color, national origin, age, sex, height, weight,  
4 or marital status.

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

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

16 (2) This section ~~shall not be construed to~~ **DOES NOT** prohibit  
17 the establishment or implementation of a bona fide retirement  
18 policy or system that is not a subterfuge to evade the purposes of  
19 this section.

20 (3) **THE COMMISSION ON PAY EQUITY IS CREATED IN THE MICHIGAN**  
21 **DEPARTMENT OF CIVIL RIGHTS AND IS RESPONSIBLE FOR THE DEVELOPMENT**  
22 **OF DEFINITIONS OF COMPARABLE WAGES, USING THE CRITERIA ESTABLISHED**  
23 **IN THIS SECTION.**

24 (4) **THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE COMMISSION**  
25 **ON PAY EQUITY. THE COMMISSION IS COMPOSED OF THE FOLLOWING MEMBERS:**

26 (A) **THE DIRECTOR OF THE MICHIGAN DEPARTMENT OF CIVIL RIGHTS OR**  
27 **HIS OR HER DESIGNEE.**

1 (B) THE DIRECTOR OF THE MICHIGAN JOBS COMMISSION OR HIS OR HER  
2 DESIGNEE.

3 (C) A REPRESENTATIVE OF THE MICHIGAN WOMEN'S COMMISSION.

4 (D) A REPRESENTATIVE OF THE MICHIGAN CHAMBER OF COMMERCE.

5 (E) A REPRESENTATIVE OF THE MICHIGAN AFL-CIO.

6 (F) A REPRESENTATIVE OF THE UNITED AUTO WORKERS.

7 (G) A REPRESENTATIVE OF THE MICHIGAN SMALL BUSINESS  
8 ASSOCIATION.

9 (H) A REPRESENTATIVE OF THE NATIONAL ORGANIZATION FOR WOMEN,  
10 MICHIGAN.

11 (I) A REPRESENTATIVE OF THE MICHIGAN WOMEN'S STUDIES  
12 ASSOCIATION.

13 (5) THE DIRECTOR OF THE MICHIGAN DEPARTMENT OF CIVIL RIGHTS OR  
14 HIS OR HER DESIGNEE SERVES AS THE CHAIRPERSON OF THE COMMISSION ON  
15 PAY EQUITY AND HAS RESPONSIBILITY FOR CONVENING THE MEETINGS OF THE  
16 COMMISSION, SETTING THE AGENDA FOR ALL MEETINGS, AND PREPARING ALL  
17 MINUTES AND REPORTS OF THE WORK OF THE COMMISSION.

18 (6) THE COMMISSION ON PAY EQUITY SHALL HOLD MEETINGS AND  
19 HEARINGS AS NECESSARY TO DEVELOP DEFINITIONS, MODELS, AND  
20 GUIDELINES FOR EMPLOYERS AND EMPLOYEES ON PAY EQUITY.

21 (7) THE COMMISSION ON PAY EQUITY SHALL PRESENT ITS FINDINGS  
22 AND RECOMMENDATIONS TO THE LEGISLATURE, THE GOVERNOR, AND THE  
23 PUBLIC BY A DATE NOT LATER THAN 1 YEAR AFTER THE GOVERNOR APPOINTS  
24 ITS MEMBERS.

25 (8) ALL MEETINGS OF THE COMMISSION ON PAY EQUITY ARE SUBJECT  
26 TO THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275, AND  
27 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

1           (9) ~~-(3)-~~ This section does not apply to the employment of an  
2 individual by his or her parent, spouse, or child.