

HOUSE BILL No. 5516

December 4, 2007, Introduced by Reps. Agema, Casperson, Pearce, Rick Jones, Stakoe and Calley 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 IF THE EMPLOYER RETAINS AN EMPLOYEE THAT IS AN
3 ALIEN WHO IS NOT AUTHORIZED TO WORK IN THE UNITED STATES. A PERSON
4 WHO IS AUTHORIZED TO WORK IN THE UNITED STATES AND WHO IS
5 DISCHARGED IN VIOLATION OF THIS SUBSECTION MAY BRING A CIVIL ACTION
6 AGAINST THE EMPLOYER IN THE CIRCUIT COURT OF THIS STATE FOR
7 INJUNCTIVE RELIEF, DAMAGES, OR BOTH. THE COURT SHALL AWARD
8 REASONABLE ATTORNEY FEES TO A PLAINTIFF WHO PREVAILS IN AN ACTION
9 UNDER THIS SECTION.

1 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), THIS ARTICLE DOES
2 NOT PROVIDE A DEFENSE TO A CLAIM FOR LOST WAGES, REINSTATEMENT, OR
3 OTHER EQUITABLE RELIEF BY AN EMPLOYEE WHO IS DISCHARGED OR LAID OFF
4 IN VIOLATION OF SUBSECTION (1).

5 (3) IT IS A DEFENSE TO A CLAIM UNDER SUBSECTION (1) THAT THE
6 EMPLOYER USED A BONA FIDE ELECTRONIC VERIFICATION SYSTEM TO
7 DETERMINE THAT THE RETAINED EMPLOYEE WAS AUTHORIZED TO WORK IN THE
8 UNITED STATES, EVEN IF THE DETERMINATION IS ULTIMATELY PROVED
9 ERRONEOUS.