

HOUSE BILL No. 5330

September 10, 2009, Introduced by Reps. Opsommer, Miller and Lindberg and referred to the Committee on Labor.

A bill to prohibit employers from making certain inquiries in the hiring process; to prohibit employment decisions based on legal ownership or use of a firearm that is unrelated to employment; 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 "employee firearm ownership protection act".

3 Sec. 3. As used in this act:

4 (a) "Employee" means an individual who receives compensation
5 for performing services for an employer under an express or implied
6 contract of hire.

7 (b) "Employer" means an individual or entity that permits an
8 individual to work at any time during the calendar year or accepts

1 applications for employment for a position during the calendar
2 year, or an agent of that individual or entity.

3 Sec. 5. (1) Except as provided in this section, an employer
4 shall not do either of the following:

5 (a) Fail or refuse to hire or recruit, discharge, or otherwise
6 discriminate against an individual with respect to employment,
7 compensation, or a term, condition, or privilege of employment
8 because the employee is, or is believed to be, the legal owner of a
9 firearm.

10 (b) Ask a firearm-related question during the job interview
11 process.

12 (2) The prohibition in subsection (1) does not apply to any of
13 the following:

14 (a) Firearm ownership or a question concerning firearm
15 ownership or use that directly relates to an established bona fide
16 occupational requirement or an employment activity or
17 responsibility of a particular employee or a particular group of an
18 employer's employees.

19 (b) A requirement that is otherwise addressed under state or
20 federal law, regulation, or rule.

21 Sec. 7. A person shall not retaliate or discriminate against a
22 person because the person has done or was about to do any of the
23 following:

24 (a) File a complaint under this act.

25 (b) Testify, assist, or participate in an investigation,
26 proceeding, or action concerning a violation of this act.

27 (c) Oppose a violation of this act.

1 Sec. 9. An employer shall not require an applicant for
2 employment or an employee to waive any right under this act. An
3 agreement by an applicant or employee to waive any right under this
4 act is invalid and unenforceable.

5 Sec. 11. (1) A person who is injured by a violation of this
6 act may bring a civil suit in a court of competent jurisdiction to
7 obtain injunctive relief and damages.

8 (2) The court shall award costs and reasonable attorney fees
9 to a person who prevails as a plaintiff in a suit authorized under
10 subsection (1).