

HOUSE BILL No. 5067

October 5, 2017, Introduced by Reps. Durhal, Robinson, Zemke, Gay-Dagnogo, Schor, Hoadley, Faris, Lasinski, Love, Moss, Singh, Guerra, Greig, Phelps, Byrd, Green, Yanez, Pagan, Chang, Garrett, Santana, Dianda, LaGrand, Cochran, Peterson, Elder, Clemente, Hertel, Sabo, Ellison, Hammoud, Sneller, Rabhi, Wittenberg, Brinks, Camilleri, Geiss, Chirkun and Jones and referred to the Committee on Commerce and Trade.

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

1 selection has been made as to the applicants.

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

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

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

11 (c) An initial application for employment where felony
12 conviction history is a bona fide hiring factor. Felony conviction
13 history is a bona fide hiring factor for all positions with the
14 following employers:

15 (i) A state or federally chartered bank, bank holding company,
16 or its affiliate or subsidiary.

17 (ii) A state or federally chartered savings and loan, savings
18 bank, or credit union or credit union affiliate or subsidiary.

19 (iii) A person licensed or registered under article 7 of the
20 occupation code, 1980 PA 299, MCL 339.720 to 339.736.

21 (iv) A person who holds a casino license under the Michigan
22 gaming control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.

23 (v) A casino operated under the Indian gaming regulatory act,
24 25 USC 2701 to 2721.

25 Sec. 7. A person alleging a violation of this act may bring a
26 civil action for appropriate injunctive relief or damages, or both,
27 in the circuit court for the county where the alleged violation

1 occurred or where the person against whom the civil complaint is
2 filed resides or has his or her principal place of business. In
3 addition to damages for injury or loss caused by each violation of
4 this act, the court may award all or a portion of the costs of
5 litigation, including reasonable attorney fees and witness fees, to
6 the complainant in the action.