



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

STANLEY "SKIP" PRUSS
DIRECTOR

Analysis of House Bill 4327 (As Passed House)

Topic: Civil Rights--Light Duty for Temporary Disabilities
Sponsor: Representative Young
Co-Sponsors: Representatives Johnson, Rick Jones, Melton, Warren, Durhal, Bettie Scott, and Switalski
Committee: House Regulatory Reform
Senate Commerce and Tourism

Date Introduced: February 18, 2009

Date Enrolled:

Date of Analysis: July 30, 2009

Position: The Department of Energy, Labor & Economic Growth supports the bill.

Problem/Background: Until 2004, pregnant police officers in Detroit were granted light duty assignments upon request. However, a Detroit arbitrator's ruling in 2004 changed that. The arbitrator ruled that a male officer who had filed a grievance alleging discrimination was entitled to light duty for an off-work injury. The city then adopted a new policy that prohibited light duty assignments for all types of disabilities. Pregnant police officers were required to use sick leave or unpaid leave if they felt they couldn't handle the work. Five pregnant Detroit police officers filed suit in United States District Court against the city's revised policy. This case is still pending.

Description of Bill: The bill amends the Elliott-Larsen Civil Rights Act to prohibit an employer from treating an individual affected by pregnancy, childbirth, or a related condition differently from another individual similar in ability or inability to work.

Summary of Arguments

Pro: The proposed language is consistent with similar language in Title VII of the federal Civil Rights Act. It is unfair for pregnant police officers to be treated differently than other officers unable to perform all their job duties due to a temporary disability. The City of Detroit has attempted to treat its officers fairly by rejecting light duty requests from pregnant officers and other officers with off-duty disabilities. Because it may be economically difficult to go on

DELEG is an equal opportunity employer/program.
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

extended leave, the pregnant officer may decide to conceal her pregnancy and continue working, a decision which may compromise her health and that of her unborn child.

Con: The bill deals effectively with the problem of assuring equal treatment, but it does not deal with issues related to the City of Detroit's current light duty policy described above. The city's current policy would appear to comply with the new requirement and pregnant employees would still be tempted to continue working.

Fiscal/Economic Impact

(a) Department

Budgetary: The bill will have no budgetary impact on the department.

Revenue: The bill will have no impact on department revenues.

Comments:

(b) State

Budgetary: The bill will have no direct budgetary impact on the state. There may be an indirect impact on the Department of Civil Rights in increased complaints and investigations.

Revenue: The bill will have no impact on state revenues.

Comments:

(c) Local Government

Comments: The bill does have human resource implications for local governments.

Other State Departments: The bill affects the Department of Civil Rights.

Any Other Pertinent Information: Supporters testifying in committee included the American Civil Liberties Union and the Deputy Sheriff's Association. According to the sponsor, the AFL-CIO and the UAW International Union support the bill. The House Fiscal Agency analysis lists the Michigan National Organization for Women and the Michigan Women's Commission as supporters.

Administrative Rules Impact: The bill will have no impact on administrative rules.