POLICY 1620 Affirmative Action Plans and Equal Opportunity

Issued: January 1, 1994
Revised: March 22, 2012

Executive Branch Departments and Sub-units must comply with equal opportunity laws with respect to religion, race, color, national origin, age, sex, height, weight, marital status, or disability.

Effective December 23, 2006, Michigan Constitution, Article I, Section 26 provides that:

> The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

This voter adopted constitutional provision is entitled "Affirmative Action Programs" and it prohibits the use of preferences in state employment, education and contracting based on the listed criteria. At the same time, the provision also provides that anti-discrimination laws are to continue to be followed and enforced.

The Constitution also provides two exceptions to the general ban on "preferences." Some departments, agencies or sub-units may still adopt an affirmative action plan if necessary to establish or maintain eligibility for any federal program, the absence of which would result in a loss of federal funds to the state. Additionally, bona fide qualifications based on religion, national origin, age, height, weight, or sex are permitted where reasonably necessary to the normal operation of public employment and the specific function of the position being filled.

Michigan Constitution of 1963, Article 1, § 2 and Article 5, § 29.

Michigan Constitution of 1963, Article 1, § 26.

Administrative Board Resolutions adopted January 24, 1967; April 16, 1968; March 18, 1975; and April 21, 1992; as amended.

Public Act 220 of 1976, as amended.

Public Act 453 of 1976, as amended.

Public Act 112 of 1988.

Public Act 258 of 1992.

Executive Order 2008-22.

Michigan Civil Rights Commission "Assessment of the Impact of Proposal 06-02" adopted March 7, 2007.

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