

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 78

AN ACT

To repeal section 213.070, RSMo, and to enact in lieu thereof three new sections relating to state employees.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 213.070, RSMo, is repealed and three  
2 new sections enacted in lieu thereof, to be known as sections  
3 36.221, 105.1204, and 213.070, to read as follows:

36.221. In filling any position where employees are  
2 selected on the basis of merit under subsection 1 of section  
3 36.030, the appointing authority shall offer an interview to  
4 every person who is or was a member of the Missouri National  
5 Guard whose name appears on the register of eligibles for  
6 the position.

105.1204. In filling any position in a state agency,  
2 as that term is defined under section 36.020, where  
3 employees are not required to be selected on the basis of  
4 merit under subsection 1 of section 36.030, the employing  
5 agency shall offer an interview to every applicant who is or  
6 was a member of the Missouri National Guard and who meets  
7 the minimum qualifications established for the position.

213.070. 1. It shall be an unlawful discriminatory  
2 practice for an employer, employment agency, labor  
3 organization, or place of public accommodation:

4 (1) To aid, abet, incite, compel, or coerce the  
5 commission of acts prohibited under this chapter or to  
6 attempt to do so;

7 (2) To retaliate or discriminate in any manner against  
8 any other person because such person has opposed any

9 practice prohibited by this chapter or because such person  
10 has filed a complaint, testified, assisted, or participated  
11 in any manner in any investigation, proceeding or hearing  
12 conducted pursuant to this chapter;

13 (3) For the state or any political subdivision of this  
14 state to discriminate on the basis of race, color, religion,  
15 national origin, sex, ancestry, age, as it relates to  
16 employment, disability, or familial status as it relates to  
17 housing; or

18 (4) To discriminate in any manner against any other  
19 person because of such person's association with any person  
20 protected by this chapter.

21 2. This chapter, in addition to chapter 285 and  
22 chapter 287, shall provide the exclusive remedy for any and  
23 all claims for injury or damages arising out of an  
24 employment relationship.

25 3. (1) It shall be an unlawful discriminatory  
26 practice for the state to discriminate against any person  
27 because of sexual orientation or gender identity in the case  
28 of employment.

29 (2) For purposes of this subsection, the following  
30 terms mean:

31 (a) "Gender identity", the gender-related identity,  
32 appearance, mannerisms, or other gender-related  
33 characteristics of an individual, with or without regard to  
34 the individual's assigned sex at birth;

35 (b) "Sexual orientation", one's actual or perceived  
36 emotional or physical attraction to, or romantic or physical  
37 relationships with, members of the same gender, members of a  
38 different gender, or members of any gender; or the lack of  
39 any emotional or physical attraction to, or romantic or  
40 physical relationships with, anyone. The term "sexual  
41 orientation" includes a history of such attraction or

42 relationship or a history of no such attraction or  
43 relationship.