

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 997, Page 53, Section 207.030, Line 26,

2 by inserting after all of said line the following:

3 "213.055. 1. It shall be an unlawful employment  
4 practice:

5 (1) For an employer, because of the race, color,  
6 religion, national origin, sex, ancestry, age or disability  
7 of any individual:

8 (a) To fail or refuse to hire or to discharge any  
9 individual, or otherwise to discriminate against any  
10 individual with respect to his compensation, terms,  
11 conditions, or privileges of employment, because of such  
12 individual's race, color, religion, national origin, sex,  
13 ancestry, age or disability;

14 (b) To limit, segregate, or classify his employees or  
15 his employment applicants in any way which would deprive or  
16 tend to deprive any individual of employment opportunities  
17 or otherwise adversely affect his status as an employee,  
18 because of such individual's race, color, religion, national  
19 origin, sex, ancestry, age or disability;

20 (2) For a labor organization to exclude or to expel  
21 from its membership any individual or to discriminate in any  
22 way against any of its members or against any employer or  
23 any individual employed by an employer because of race,  
24 color, religion, national origin, sex, ancestry, age or  
25 disability of any individual; or to limit, segregate, or  
26 classify its membership, or to classify or fail or refuse to

27 refer for employment any individual, in any way which would  
28 deprive or tend to deprive any individual of employment  
29 opportunities, or would limit such employment opportunities  
30 or otherwise adversely affect his status as an employee or  
31 as an applicant for employment, because of such individual's  
32 race, color, religion, national origin, sex, ancestry, age  
33 or disability; or for any employer, labor organization, or  
34 joint labor-management committee controlling apprenticeship  
35 or other training or retraining, including on-the-job  
36 training programs to discriminate against any individual  
37 because of his race, color, religion, national origin, sex,  
38 ancestry, age or disability in admission to, or employment  
39 in, any program established to provide apprenticeship or  
40 other training;

41 (3) For any employer or employment agency to print or  
42 circulate or cause to be printed or circulated any  
43 statement, advertisement or publication, or to use any form  
44 of application for employment or to make any inquiry in  
45 connection with prospective employment, which expresses,  
46 directly or indirectly, any limitation, specification, or  
47 discrimination, because of race, color, religion, national  
48 origin, sex, ancestry, age or disability unless based upon a  
49 bona fide occupational qualification or for an employment  
50 agency to fail or refuse to refer for employment, or  
51 otherwise to discriminate against, any individual because of  
52 his or her race, color, religion, national origin, sex,  
53 ancestry, age as it relates to employment, or disability, or  
54 to classify or refer for employment any individual because  
55 of his or her race, color, religion, national origin, sex,  
56 ancestry, age or disability[.];

57 (4) For the office of administration to fail or refuse  
58 to hire or to discharge any individual, or otherwise to  
59 discriminate against any individual with respect to his or

60 her compensation, terms, conditions, or privileges of  
61 employment, because of such individual's sexual orientation  
62 or gender identity. For purposes of this subdivision, the  
63 term "gender identity" means the gender-related identity,  
64 appearance, mannerisms, or other gender-related  
65 characteristics of an individual, with or without regard to  
66 the individual's assigned sex at birth. For purposes of this  
67 subdivision, the term "sexual orientation" means one's  
68 actual or perceived emotional or physical attraction to, or  
69 romantic or physical relationships with, members of the same  
70 gender, members of a different gender, or members of any  
71 gender; or the lack of any emotional or physical attraction  
72 to, or romantic or physical relationships with, anyone. The  
73 term "sexual orientation" includes a history of such  
74 attraction or relationship or a history of no such  
75 attraction or relationship.

76       2. Notwithstanding any other provision of this  
77 chapter, it shall not be an unlawful employment practice for  
78 an employer to apply different standards of compensation, or  
79 different terms, conditions or privileges of employment  
80 pursuant to a bona fide seniority or merit system, or a  
81 system which measures earnings by quantity or quality of  
82 production or to employees who work in different locations,  
83 provided that such differences or such systems are not the  
84 result of an intention or a design to discriminate, and are  
85 not used to discriminate, because of race, color, religion,  
86 sex, national origin, ancestry, age or disability, nor shall  
87 it be an unlawful employment practice for an employer to  
88 give and to act upon the results of any professionally  
89 developed ability test, provided that such test, its  
90 administration, or action upon the results thereof, is not  
91 designed, intended or used to discriminate because of race,

92 color, religion, national origin, sex, ancestry, age or  
93 disability.

94 3. Nothing contained in this chapter shall be  
95 interpreted to require any employer, employment agency,  
96 labor organization, or joint labor-management committee  
97 subject to this chapter to grant preferential treatment to  
98 any individual or to any group because of the race, color,  
99 religion, national origin, sex, ancestry, age or disability  
100 of such individual or group on account of an imbalance which  
101 may exist with respect to the total number or percentage of  
102 persons of any race, color, religion, national origin, sex,  
103 ancestry, age or disability employed by any employer,  
104 referred or classified for employment by any employment  
105 agency or labor organization, admitted to membership or  
106 classified by any labor organization, or admitted to or  
107 employed in any apprenticeship or other training program, in  
108 comparison with the total number or percentage of persons of  
109 such race, color, religion, national origin, sex, ancestry,  
110 age or disability in any community, state, section, or other  
111 area, or in the available workforce in any community, state,  
112 section, or other area.

113 4. Notwithstanding any other provision of this  
114 chapter, it shall not be an unlawful employment practice for  
115 the state or any political subdivision of the state to  
116 comply with the provisions of 29 U.S.C. Section 623 relating  
117 to employment as firefighters or law enforcement officers.";  
118 and

119 Further amend the title and enacting clause accordingly.