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.

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

Section A. Section 213.070, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 36.221, 105.1204, and 213.070, to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

relationship or a history of no such attraction or relationship.