

SENATE BILL NO. 702

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ESLINGER.

4351S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 213.055, RSMo, and to enact in lieu thereof one new section relating to unlawful employment practices.

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

Section A. Section 213.055, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 213.055,
3 to read as follows:

213.055. 1. It shall be an unlawful employment
2 practice:

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

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

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

(2) For a labor organization to exclude or to expel from its membership any individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer because of race, color, religion, national origin, sex, ancestry, age or disability of any individual; or to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, national origin, sex, ancestry, age or disability; or for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, national origin, sex, ancestry, age or disability in admission to, or employment in, any program established to provide apprenticeship or other training;

(3) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination, because of race, color, religion, national origin, sex, ancestry, age or disability unless based upon a bona fide occupational qualification or for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of

50 his or her race, color, religion, national origin, sex,
51 ancestry, age as it relates to employment, or disability, or
52 to classify or refer for employment any individual because
53 of his or her race, color, religion, national origin, sex,
54 ancestry, age or disability;

55 **(4) For an employer to refuse an employee a reasonable**
56 **accommodation from any requirement related to COVID-19**
57 **because of the employee's sincerely held religious, ethical,**
58 **or moral beliefs. In granting an employee a reasonable**
59 **accommodation, an employer shall apply the same standards as**
60 **are required by federal law and regulations promulgated by**
61 **the commission for reasonable accommodations for**
62 **disabilities. A reasonable accommodation may include an**
63 **exemption from vaccination requirements for COVID-19 or**
64 **mandatory testing for COVID-19.**

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

81 color, religion, national origin, sex, ancestry, age or
82 disability.

83 3. Nothing contained in this chapter shall be
84 interpreted to require any employer, employment agency,
85 labor organization, or joint labor-management committee
86 subject to this chapter to grant preferential treatment to
87 any individual or to any group because of the race, color,
88 religion, national origin, sex, ancestry, age or disability
89 of such individual or group on account of an imbalance which
90 may exist with respect to the total number or percentage of
91 persons of any race, color, religion, national origin, sex,
92 ancestry, age or disability employed by any employer,
93 referred or classified for employment by any employment
94 agency or labor organization, admitted to membership or
95 classified by any labor organization, or admitted to or
96 employed in any apprenticeship or other training program, in
97 comparison with the total number or percentage of persons of
98 such race, color, religion, national origin, sex, ancestry,
99 age or disability in any community, state, section, or other
100 area, or in the available workforce in any community, state,
101 section, or other area.

102 4. Notwithstanding any other provision of this
103 chapter, it shall not be an unlawful employment practice for
104 the state or any political subdivision of the state to
105 comply with the provisions of 29 U.S.C. Section 623 relating
106 to employment as firefighters or law enforcement officers.

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