

HCS HB 628 -- UNLAWFUL DISCRIMINATORY PRACTICES IN EMPLOYMENT

SPONSOR: Byrd

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 7 to 3.

This substitute prohibits an employer from discriminating against an employee or applicant for employment because he or she opposed any unlawful employment practice or made a charge, testified, assisted, or participated in an investigation, proceeding, or hearing of a human rights violation.

The substitute specifies that unlawful discriminatory practices include aiding, abetting, or retaliating based on claims of unlawful housing practices; discrimination in commercial real estate loans; discrimination in selling or renting property; or discrimination in public accommodations.

Any party to an action regarding a human rights violation is entitled to a trial by jury. The dollar amount of court awards for each complaining party is limited depending on the number of employees employed by the respondent. The court awards for human rights violations specified in the substitute are limited to unlawful employment practices. The State of Missouri and any of its political subdivisions cannot have punitive damages awarded against them.

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that the bill will reduce exposure to liability for employers and the number of cases in the court system. The bill borrows some definitions from federal law and allows for jury trials in discrimination cases.

Testifying for the bill were Representative Byrd; Missouri Chamber of Commerce and Industry; Missouri Retailers Association; Missouri Organization of Defense Lawyers; and Associated Industries of Missouri.

OPPOSERS: Those who oppose the bill say that they are opposed to caps on damages and believe that suits should be brought where the acts occurred or where decisions are made.

Testifying against the bill were Missouri Womens' Network; and LeAnne Wiseman.

OTHERS: Others testifying on the bill provided technical information.

Others testifying on the bill was Missouri Commission on Human Rights.

Amy Woods, Senior Legislative Analyst