

HB 799 -- Unlawful Discriminatory Practices in Employment

Sponsor: Jones (89)

This bill changes the laws regarding unlawful discriminatory practices in employment. In its main provisions, the bill:

(1) Adds the definition of "because" or "because of" as it relates to a decision or action to be the protected criterion was the motivating factor;

(2) Revises the definition of "employer" by specifying that an employer is a person engaged in an industry affecting commerce who has six or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year. The federal government, an Indian tribe, and private membership clubs, excluding labor organizations, are not considered employers covered under the Missouri Human Rights Law;

(3) Specifies that it is an unlawful discriminatory practice for an employer to retaliate or discriminate in any manner against an employee because the employee refused to violate the law at the request of someone employed by the employer with supervisory authority over the employee or because the employee reported a violation of the law to an authority of the federal, state, or local government;

(4) Specifies that remedies for all unlawful employment practices articulated in the Missouri Human Rights Law are exclusive and abrogates any common law causes of action to the contrary;

(5) Allows any party to demand a trial by jury after notice by the Missouri Commission on Human Rights of the right to bring a civil action against the respondent named in a complaint;

(6) Specifies that the amount of all damages awarded cannot exceed the amount of the actual back pay plus interest and punitive damages of up to \$50,000 in the case of an employer with six to 100 employees; up to \$100,000 for an employer with 101 to 200 employees; up to \$200,000 for an employer with 201 to 500 employees; and up to \$300,000 for an employer with more than 500 employees. The maximum award amounts do not apply to unlawful discrimination actions regarding housing, commercial real estate loans, and selling or renting by real estate agencies;

(7) Requires the plaintiff to prove the protected criterion was the motivating factor in the alleged unlawful decision or action in any employment-related civil action brought under the Missouri Human Rights Law;

(8) Prohibits punitive damages from being awarded against the state or any of its political subdivisions in any employment-related civil action brought under the Missouri Human Rights Law;

(9) Requires the plaintiff in any civil action for damages for exercising his or her rights under the Workers' Compensation Law that resulted in the discharge of or discrimination against the employee to prove the employer's decision or action was motivated exclusively by the employee exercising his or her rights under the Workers' Compensation Law; and

(10) Specifies that the amount of compensatory damages and punitive damages awarded in any action brought by an employee for discharge or discrimination against an employer or former employer cannot exceed \$50,000 for an employer with fewer than 101 employees; \$100,000 for an employer with 101 to 200 employees; \$200,000 for an employer with 201 to 500 employees; and \$300,000 for an employer with more than 500 employees. Compensatory damages do not include back pay or interest on back pay.