

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 1603, Page 2, Section 43.543, Line 27, by
2 inserting the following after all of said line:

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

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

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

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

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

28 (3) For any employer or employment agency to print or circulate or cause to be printed or
29 circulated any statement, advertisement or publication, or to use any form of application for
30 employment or to make any inquiry in connection with prospective employment, which expresses,
31 directly or indirectly, any limitation, specification, or discrimination, because of race, color,
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1 religion, national origin, sex, ancestry, age or disability unless based upon a bona fide occupational
2 qualification or for an employment agency to fail or refuse to refer for employment, or otherwise to
3 discriminate against, any individual because of his race, color, religion, national origin, sex,
4 ancestry, age as it relates to employment, or disability, or to classify or refer for employment any
5 individual on the basis of his race, color, religion, national origin, sex, ancestry, age or disability;
6 and

7 (4) For an employer to inquire into or consider the criminal record of an applicant for
8 employment until the employer has extended a conditional offer of employment to the applicant.
9 Once the employer has extended a conditional offer of employment to the applicant, the applicant's
10 criminal record may be considered subject to the following restrictions:

11 (a) The employer may consider a finding of guilt for a felony offense only if no more than
12 ten years have passed from the date the applicant was released from custody or completed a term of
13 supervised release for such offense, whichever occurred later. The employer may consider a finding
14 of guilt for a misdemeanor offense only if no more than five years have passed from the date the
15 applicant was released from custody or completed a term of supervised release for such offense,
16 whichever occurred later;

17 (b) The employer may withdraw an offer of employment only based on an offense that
18 bears a rational relationship to the duties and responsibilities of the position; and

19 (c) Before deciding whether to withdraw an offer of employment based on the applicant's
20 criminal record, the employer shall consider the following factors in evaluating the applicant and the
21 results of any criminal history inquiry:

22 a. The nature of the offense;

23 b. Any information pertaining to the degree of rehabilitation and good conduct, including
24 any information produced by the applicant or produced on his or her behalf;

25 c. Whether the prospective job provides an opportunity for the commission of a similar
26 offense;

27 d. Whether the circumstances leading to the offense are likely to reoccur; and

28 e. The length of time that has elapsed since the applicant was charged with the offense.

29 2. Notwithstanding any other provision of this chapter, it shall not be an unlawful
30 employment practice for an employer to apply different standards of compensation, or different
31 terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a
32 system which measures earnings by quantity or quality of production or to employees who work in
33 different locations, provided that such differences or such systems are not the result of an intention
34 or a design to discriminate, and are not used to discriminate, because of race, color, religion, sex,
35 national origin, ancestry, age or disability, nor shall it be an unlawful employment practice for an
36 employer to give and to act upon the results of any professionally developed ability test, provided
37 that such test, its administration, or action upon the results thereof, is not designed, intended or used
38 to discriminate because of race, color, religion, national origin, sex, ancestry, age or disability.

39 3. Nothing contained in this chapter shall be interpreted to require any employer,
40 employment agency, labor organization, or joint labor-management committee subject to this
41 chapter to grant preferential treatment to any individual or to any group because of the race, color,

1 religion, national origin, sex, ancestry, age or disability of such individual or group on account of an
2 imbalance which may exist with respect to the total number or percentage of persons of any race,
3 color, religion, national origin, sex, ancestry, age or disability employed by any employer, referred
4 or classified for employment by any employment agency or labor organization, admitted to
5 membership or classified by any labor organization, or admitted to or employed in any
6 apprenticeship or other training program, in comparison with the total number or percentage of
7 persons of such race, color, religion, national origin, sex, ancestry, age or disability in any
8 community, state, section, or other area, or in the available workforce in any community, state,
9 section, or other area.

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

13 5. Subdivision (4) of subsection 1 of this section does not apply to any state, county, or
14 municipal law enforcement agency; the department of corrections; or any position if federal or state
15 law requires or expressly permits the consideration of an applicant's criminal history."; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.