

**BILL SUMMARY**  
1st Session of the 53rd Legislature

<b>Bill No.:</b>	<b>SB 837</b>
<b>Version:</b>	<b>Committee Sub</b>
<b>Request Number:</b>	<b>7433</b>
<b>Author:</b>	<b>Rep. Sullivan</b>
<b>Date:</b>	<b>3/28/2011</b>
<b>Impact:</b>	<b>Pending</b>

**Research Analysis**

The committee sub to SB 837 provides for exclusive remedies for individuals alleging discrimination in employment on the basis of race, color, national origin, sex, religion, creed, age, disability or genetic information. The measure makes the relevant discrimination provisions applicable to employers that pay one or more persons for work performance. An employee is defined as a person who receives wages or a salary and excludes independent contractors. The measure modifies the definition of a discriminatory practice, as well as other definitions throughout the act, to include individuals discriminated against because of a genetic information or disability as those protected under the relevant discrimination provisions, unless the employer can demonstrate that accommodation for the disability would impose an undue hardship on the operation of the business. The measure makes the act applicable to employment applicants.

The measure creates a cause of action for employment-based discrimination and abolishes all common law remedies. The measure provides, that in order have standing to allege certain discrimination against an employer, the aggrieved party must file the charge with EEOC or the OHRC within 180 days of the alleged discrimination who will complete an investigation and issue a Notice of Right to Sue or transmit the results of any administrative hearing and determination to the EEOC. The complaining party may request a Notice of Right to Sue within 180 days of filing. Civil actions brought pursuant to such Notice must be filed within 90 days of receiving the Notice, The defendants may allege certain defenses and either party is entitled to a jury trial. The measure provides for damages, back pay, and attorney fees available to the charging party. If a court determines a defendant has discriminated against the charging party, the court is authorized to enjoin the defendant from engaging in such unlawful employment practice and may enjoin respondent from engaging in such unlawful practice and order such affirmative action as reinstatement or hiring of employees.

The measure clarifies references and language throughout the act.

Prepared By: Andrea Merten

**Fiscal Analysis**

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**Other Considerations**

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