

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1552

By: Dossett

6 AS INTRODUCED

7 An Act relating to discrimination; amending 25 O.S.
8 2011, Sections 1301, 1302, 1303, 1304, 1305 and 1306,
9 which relate to definitions and discriminatory
10 practices; adding definition; prohibiting certain
11 inquiry of information; and providing an effective
12 date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 25 O.S. 2011, Section 1301, is
14 amended to read as follows:

15 Section 1301. As used in Section 1101 et seq. of this title:

16 1. "Employer" means:

- 17 a. a legal entity, institution or organization that pays
18 one or more individuals a salary or wages for work
19 performance, or
20 b. a legal entity, institution or organization which
21 contracts or subcontracts with the state, a
22 governmental entity or a state agency to furnish
23 material or perform work.
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1 Employer does not include a Native American tribe or a bona fide
2 membership club, other than a labor organization, that is exempt
3 from taxation under Title 26, Section 501(c) of the United States
4 Code;

5 2. "Employment agency" means a person regularly undertaking
6 with or without compensation to procure employees for an employer or
7 to procure for employees opportunities to work for an employer and
8 includes an agent of such a person;

9 3. "Labor organization" means:

10 a. an organization of any kind, an agency or employee
11 representation committee, group, association, or plan
12 in which employees participate and which exists for
13 the purpose, in whole or in part, of dealing with
14 employers concerning grievances, labor disputes,
15 wages, rates of pay, hours, or other terms or
16 conditions of employment,

17 b. a conference, general committee, joint or system
18 board, or joint council so engaged which is
19 subordinate to a national or international labor
20 organization, or

21 c. an agent of a labor organization;

22 4. "Individual with a disability" means a person who has a
23 physical or mental impairment which substantially limits one or more
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1 of such person's major life activities, has a record of such an
2 impairment or is regarded as having such an impairment;

3 5. "Age discrimination in employment" means discrimination in
4 employment of persons who are at least forty (40) years of age;

5 6. "Sex", "because of sex" or "based on sex" includes, but is
6 not limited to, pregnancy, childbirth or related medical conditions;
7 women affected by pregnancy, childbirth or related medical
8 conditions shall be treated the same for all employment-related
9 purposes as other persons not so affected but similar in their
10 ability or inability to work;

11 7. "Genetic information" means information derived from the
12 results of a genetic test. "Genetic information" shall not include
13 family history, the results of a routine physical examination or
14 test, the results of a chemical, blood or urine analysis, the
15 results of a test to determine drug use, the results of a test for
16 the presence of the human immunodeficiency virus, or the results of
17 any other test commonly accepted in clinical practice at the time it
18 is ordered; ~~and~~

19 8. "Employee" means an individual who receives a salary or
20 wages from an employer. Employee shall not include independent
21 contractors; and

22 9. "Family responsibilities" means the state of, or the
23 potential to be, caring for a child, parent, spouse, domestic
24 partner or any other individual related by blood or affinity to the

1 employee whose close association with the employee is the equivalent
2 of a family relationship.

3 SECTION 2. AMENDATORY 25 O.S. 2011, Section 1302, is
4 amended to read as follows:

5 Section 1302. A. It is a discriminatory practice for an
6 employer:

7 1. To fail or refuse to hire, to discharge, or otherwise to
8 discriminate against an individual with respect to compensation or
9 the terms, conditions, privileges or responsibilities of employment,
10 because of race, color, religion, sex, national origin, age, genetic
11 information or disability, unless the employer can demonstrate that
12 accommodation for the disability would impose an undue hardship on
13 the operation of the business of such employer; ~~or~~

14 2. To limit, segregate, or classify an employee or applicant
15 for employment in a way which would deprive or tend to deprive an
16 individual of employment opportunities or otherwise adversely affect
17 the status of an employee, because of race, color, religion, sex,
18 national origin, age, genetic information or disability, unless the
19 employer can demonstrate that accommodation for the disability would
20 impose an undue hardship on the operation of the business of such
21 employer; or

22 3. To request or require information from an employee or person
23 seeking employment relating to the individual's child-bearing age or
24 plans, pregnancy, function of the individual's reproductive system,

1 use of birth control methods, or the individual's familial
2 responsibilities.

3 B. This section does not apply to the employment of an
4 individual by his or her parents, spouse, or child or to employment
5 in the domestic service of the employer.

6 SECTION 3. AMENDATORY 25 O.S. 2011, Section 1303, is
7 amended to read as follows:

8 Section 1303. It is a discriminatory practice for an employment
9 agency to fail or refuse to refer for employment, or otherwise to
10 discriminate against, an individual because of race, color,
11 religion, sex, family responsibilities, national origin, age,
12 genetic information or disability, unless the agency can demonstrate
13 that accommodation for the disability would impose an undue hardship
14 on the operation of the business of such agency, or to classify or
15 refer for employment an individual on the basis of race, color,
16 religion, sex, family responsibilities, national origin, age,
17 genetic information or disability, unless the agency can demonstrate
18 that accommodation for the disability would impose an undue hardship
19 on the operation of the business of such agency.

20 SECTION 4. AMENDATORY 25 O.S. 2011, Section 1304, is
21 amended to read as follows:

22 Section 1304. It is a discriminatory practice for a labor
23 organization:
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1 1. To exclude or to expel from membership, or otherwise to
2 discriminate against, a member or applicant for membership because
3 of race, color, religion, sex, family responsibilities, national
4 origin, age, genetic information or disability, unless the
5 organization can demonstrate that accommodation for the disability
6 would impose an undue hardship on the operation of the business of
7 such organization;

8 2. To limit, segregate, or classify membership, or to classify
9 or to fail or refuse to refer for employment an individual in a way:

10 a. which would deprive or tend to deprive an individual
11 of employment opportunities, or

12 b. which would limit employment opportunities or
13 otherwise adversely affect the status of an employee
14 or of an applicant for employment, because of race,
15 color, religion, sex, family responsibilities,
16 national origin, age, genetic information or
17 disability, unless the organization can demonstrate
18 that accommodation for the disability would impose an
19 undue hardship on the operation of the business of
20 such organization; or

21 3. To cause or attempt to cause an employer to violate Section
22 1101 et seq. of this title.

23 SECTION 5. AMENDATORY 25 O.S. 2011, Section 1305, is
24 amended to read as follows:

1 Section 1305. It is a discriminatory practice for an employer,
2 labor organization, or joint labor-management committee controlling
3 apprenticeship, on-the-job, or other training or retraining program,
4 to discriminate against an individual because of race, color,
5 religion, sex, family responsibilities, national origin, age,
6 genetic information or disability, unless the employer, organization
7 or committee can demonstrate that accommodation for the disability
8 would impose an undue hardship on the operation of the business of
9 such employer, organization or committee, in admission to, or
10 employment in, a program established to provide apprenticeship or
11 other training.

12 SECTION 6. AMENDATORY 25 O.S. 2011, Section 1306, is
13 amended to read as follows:

14 Section 1306. It is a discriminatory practice for an employer,
15 labor organization, or employment agency to print or publish or
16 cause to be printed or published a notice or advertisement relating
17 to employment by the employer or membership in or a classification
18 or referral for employment by the labor organization, or relating to
19 a classification or referral for employment by the employment
20 agency, indicating a preference, limitation, specification, or
21 discrimination, based on race, color, religion, sex, family
22 responsibilities, national origin, age, genetic information or
23 disability, unless the employer, organization or agency can
24 demonstrate that accommodation for the disability would impose an

1 undue hardship on the operation of the business of such employer,
2 organization or agency; but a notice or advertisement may indicate a
3 preference, limitation, specification, or discrimination based on
4 religion, sex, or national origin when religion, sex, or national
5 origin is a bona fide occupational qualification for employment.

6 SECTION 7. This act shall become effective November 1, 2018.

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