

HB 2098 -- Unlawful Discriminatory Employment Practices

Sponsor: Elmer

This bill changes the laws regarding unlawful discriminatory employment practices under the Missouri Human Rights Law.

The bill:

(1) Revises the term "employer" by specifying that it 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 and includes the state or any of its political or civil subdivisions but does not include corporations and associations owned and operated by religious or sectarian groups;

(2) Specifies that the court may award the plaintiff actual and punitive damages and may award court costs and reasonable attorney fees to the prevailing party, other than a state agency or commission or a local commission except that a prevailing respondent may be awarded court costs and reasonable attorney fees upon a showing that a case is without foundation. An award of damages may include all future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, and punitive damages awarded;

(3) Specifies that the total amount of punitive damages awarded for each plaintiff cannot exceed \$50,000 in the case of an employer with six to 100 employees in each of 20 or more weeks in the current or preceding calendar year; \$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;

(4) Prohibits punitive damages from being awarded against the state or any of its political subdivisions except for claims for discriminatory housing practices authorized in Section 213.040, RSMo; and

(5) Specifies that the provisions regarding damage awards do not apply to an alleged violation of Section 213.040, RSMo, unlawful housing practices; Section 213.045, discrimination in commercial real estate loans; and Section 213.050, discrimination in real estate sales and rental organizations, but the provisions will apply to an alleged violation of Section 213.070, other specified unlawful discriminatory practices, by an employer.