

SECOND REGULAR SESSION

# HOUSE BILL NO. 1930

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ENGLER.

5579H.02I

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, 213.101, 288.030, and 288.050, RSMo, and to enact in lieu thereof eleven new sections relating to employment law reform.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, 213.101, 288.030, and 288.050, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, 213.101, 288.030, and 288.050, to read as follows:

213.010. As used in this chapter, the following terms shall mean:

- (1) "Age", an age of forty or more years but less than seventy years, except that it shall not be an unlawful employment practice for an employer to require the compulsory retirement of any person who has attained the age of sixty-five and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policy-making position, if such person is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings or deferred compensation plan, or any combination of such plans, of the employer, which equals, in the aggregate, at least forty-four thousand dollars;
- (2) **"Because" or "because of", as it relates to an unlawful employment or discriminatory practice, shall mean a protected criterion played a part, played a role, or was a motivating factor in the defendant's unlawful employment or discriminatory practice but need not have been the only factor in, or reason for, such practice. This definition shall not apply to a claim that defendant's otherwise neutral policy or practice has a disparate adverse impact on a protected individual or group of individuals;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (3) "Commission", the Missouri commission on human rights;

16 [(3)] (4) "Complainant", a person who has filed a complaint with the commission  
17 alleging that another person has engaged in a prohibited discriminatory practice;

18 [(4)] (5) "Disability", a physical or mental impairment which substantially limits one or  
19 more of a person's major life activities, being regarded as having such an impairment, or a record  
20 of having such an impairment, which with or without reasonable accommodation does not  
21 interfere with performing the job, utilizing the place of public accommodation, or occupying the  
22 dwelling in question. For purposes of this chapter, the term "disability" does not include current,  
23 illegal use of or addiction to a controlled substance as such term is defined by section 195.010;  
24 however, a person may be considered to have a disability if that person:

25 (a) Has successfully completed a supervised drug rehabilitation program and is no longer  
26 engaging in the illegal use of, and is not currently addicted to, a controlled substance or has  
27 otherwise been rehabilitated successfully and is no longer engaging in such use and is not  
28 currently addicted;

29 (b) Is participating in a supervised rehabilitation program and is no longer engaging in  
30 illegal use of controlled substances; or

31 (c) Is erroneously regarded as currently illegally using, or being addicted to, a controlled  
32 substance;

33 [(5)] (6) "Discrimination", any unfair treatment based on race, color, religion, national  
34 origin, ancestry, sex, **sexual orientation, gender identity**, age as it relates to employment,  
35 disability, or familial status as it relates to housing. **Discrimination includes any unfair  
36 treatment based on a person's presumed or assumed race, color, religion, national origin,  
37 ancestry, sex, sexual orientation, gender identity, age as it relates to employment, disability,  
38 or familial status as it relates to housing, whether or not the presumption or assumption  
39 as to such characteristics is correct;**

40 [(6)] (7) "Dwelling", any building, structure or portion thereof which is occupied as, or  
41 designed or intended for occupancy as, a residence by one or more families, and any vacant land  
42 which is offered for sale or lease for the construction or location thereon of any such building,  
43 structure or portion thereof;

44 [(7)] (8) "Employer" [includes] , **a person engaged in an industry affecting commerce  
45 who has six or more employees for each working day in each of the twenty or more  
46 calendar weeks in a current or preceding calendar year, and shall include** the state, or any  
47 political or civil subdivision thereof, or [any person employing six or more persons within the  
48 state, and] any person directly acting in the interest of an employer, but does not include  
49 corporations and associations owned and operated by religious or sectarian groups;

50            [(8)] (9) "Employment agency" includes any person or agency, public or private,  
51 regularly undertaking with or without compensation to procure employees for an employer or  
52 to procure for employees opportunities to work for an employer and includes any person acting  
53 in the interest of such a person;

54            [(9)] (10) "Executive director", the executive director of the Missouri commission on  
55 human rights;

56            [(10)] (11) "Familial status", one or more individuals who have not attained the age of  
57 eighteen years being domiciled with:

58            (a) A parent or another person having legal custody of such individual; or

59            (b) The designee of such parent or other person having such custody, with the written  
60 permission of such parent or other person. The protections afforded against discrimination on  
61 the basis of familial status shall apply to any person who is pregnant or is in the process of  
62 securing legal custody of any individual who has not attained the age of eighteen years;

63            (12) **"Gender identity", the gender-related identity, appearance, mannerisms, or**  
64 **other gender-related characteristics of an individual, with or without regard to the**  
65 **individual's designed sex at birth;**

66            [(11)] (13) "Human rights fund", a fund established to receive civil penalties as required  
67 by federal regulations and as set forth by subdivision (2) of subsection 11 of section 213.075, and  
68 which will be disbursed to offset additional expenses related to compliance with the Department  
69 of Housing and Urban Development regulations;

70            [(12)] (14) "Labor organization" includes any organization which exists for the purpose,  
71 in whole or in part, of collective bargaining or of dealing with employers concerning grievances,  
72 terms or conditions of employment, or for other mutual aid or protection in relation to  
73 employment;

74            [(13)] (15) "Local commissions", any commission or agency established prior to August  
75 13, 1986, by an ordinance or order adopted by the governing body of any city, constitutional  
76 charter city, town, village, or county;

77            [(14)] (16) "Person" includes one or more individuals, corporations, partnerships,  
78 associations, organizations, labor organizations, legal representatives, mutual companies, joint  
79 stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries, or other organized  
80 groups of persons;

81            [(15)] (17) "Places of public accommodation", all places or businesses offering or  
82 holding out to the general public, goods, services, privileges, facilities, advantages or  
83 accommodations for the peace, comfort, health, welfare and safety of the general public or such  
84 public places providing food, shelter, recreation and amusement, including, but not limited to:

85 (a) Any inn, hotel, motel, or other establishment which provides lodging to transient  
86 guests, other than an establishment located within a building which contains not more than five  
87 rooms for rent or hire and which is actually occupied by the proprietor of such establishment as  
88 [his] **the proprietor's** residence;

89 (b) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility  
90 principally engaged in selling food for consumption on the premises, including, but not limited  
91 to, any such facility located on the premises of any retail establishment;

92 (c) Any gasoline station, including all facilities located on the premises of such gasoline  
93 station and made available to the patrons thereof;

94 (d) Any motion picture house, theater, concert hall, sports arena, stadium, or other place  
95 of exhibition or entertainment;

96 (e) Any public facility owned, operated, or managed by or on behalf of this state or any  
97 agency or subdivision thereof, or any public corporation; and any such facility supported in  
98 whole or in part by public funds;

99 (f) Any establishment which is physically located within the premises of any  
100 establishment otherwise covered by this section or within the premises of which is physically  
101 located any such covered establishment, and which holds itself out as serving patrons of such  
102 covered establishment;

103 [(16)] **(18)** "Rent" includes to lease, to sublease, to let and otherwise to grant for  
104 consideration the right to occupy premises not owned by the occupant;

105 [(17)] **(19)** "Respondent", a person who is alleged to have engaged in a prohibited  
106 discriminatory practice in a complaint filed with the commission;

107 **(20) "Sexual orientation", male or female heterosexuality, homosexuality, or**  
108 **bisexuality by inclination, practice, identity, or expression;**

109 [(18)] **(21)** "Unlawful discriminatory practice", any act that is unlawful under this  
110 chapter.

213.030. 1. The powers and duties of the commission shall be:

2 (1) To seek to eliminate and prevent discrimination because of race, color, religion,  
3 national origin, ancestry, sex, **sexual orientation, gender identity**, age as it relates to  
4 employment, disability, or familial status as it relates to housing and to take other actions against  
5 discrimination because of race, color, religion, national origin, ancestry, sex, **sexual orientation,**  
6 **gender identity**, age, disability, or familial status as provided by law; and the commission is  
7 hereby given general jurisdiction and power for such purposes;

8 (2) To implement the purposes of this chapter first by conference, conciliation and  
9 persuasion so that persons may be guaranteed their civil rights and goodwill be fostered;

10 (3) To formulate policies to implement the purposes of this chapter and to make  
11 recommendations to agencies and officers of the state and political subdivisions in aid of such  
12 policies and purposes;

13 (4) To appoint such employees as it may deem necessary, fix their compensation within  
14 the appropriations provided and in accordance with the wage structure established for other state  
15 agencies, and prescribe their duties;

16 (5) To obtain upon request and utilize the services of all governmental departments and  
17 agencies to be paid from appropriations to this commission;

18 (6) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out  
19 the provisions of this chapter and the policies and practices of the commission in connection  
20 therewith;

21 (7) To receive, investigate, initiate, and pass upon complaints alleging discrimination  
22 in employment, housing or in places of public accommodations because of race, color, religion,  
23 national origin, ancestry, sex, **sexual orientation, gender identity**, age as it relates to  
24 employment, disability, or familial status as it relates to housing and to require the production  
25 for examination of any books, papers, records, or other materials relating to any matter under  
26 investigation;

27 (8) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, to  
28 take the testimony of any person under oath, and, in connection therewith, to require the  
29 production for examination of any books, papers or other materials relating to any matter under  
30 investigation or in question before the commission;

31 (9) To issue publications and the results of studies and research which will tend to  
32 promote goodwill and minimize or eliminate discrimination in housing, employment or in places  
33 of public accommodation because of race, color, religion, national origin, ancestry, sex, **sexual**  
34 **orientation, gender identity**, age as it relates to employment, disability, or familial status as it  
35 relates to housing;

36 (10) To provide each year to the governor and to the general assembly a full written  
37 report of all its activities and of its recommendations;

38 (11) To adopt an official seal;

39 (12) To cooperate, act jointly, enter into cooperative or work-sharing agreements with  
40 the United States Equal Employment Opportunity Commission, the United States Department  
41 of Housing and Urban Development, and other federal agencies and local commissions or  
42 agencies to achieve the purposes of this chapter;

43 (13) To accept grants, private gifts, bequests, and establish funds to dispose of such  
44 moneys so long as the conditions of the grant, gift, or bequest are not inconsistent with the  
45 purposes of this chapter and are used to achieve the purposes of this chapter;

46 (14) To establish a human rights fund as defined in section 213.010, for the purposes of  
47 administering sections 213.040, 213.045, 213.050, 213.070, 213.075, and 213.076.

48 2. No rule or portion of a rule promulgated under the authority of this chapter shall  
49 become effective unless it has been promulgated pursuant to the provisions of [section 536.024]  
50 **chapter 536.**

213.040. 1. It shall be an unlawful housing practice:

2 (1) To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate  
3 for the sale or rental of, to deny or otherwise make unavailable, a dwelling to any person because  
4 of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity,**  
5 disability, or familial status;

6 (2) To discriminate against any person in the terms, conditions, or privileges of sale or  
7 rental of a dwelling, or in the provision of services or facilities in connection therewith, because  
8 of race, color, religion, national origin, ancestry, sex, **sexual orientation, gender identity,**  
9 disability, or familial status;

10 (3) To make, print, or publish, or cause to be made, printed, or published any notice,  
11 statement or advertisement, with respect to the sale or rental of a dwelling that indicates any  
12 preference, limitation, or discrimination based on race, color, religion, national origin, ancestry,  
13 sex, **sexual orientation, gender identity,** disability, or familial status, or an intention to make  
14 any such preference, limitation, or discrimination;

15 (4) To represent to any person because of race, color, religion, national origin, ancestry,  
16 sex, **sexual orientation, gender identity,** disability, or familial status that any dwelling is not  
17 available for inspection, sale, or rental when such dwelling is in fact so available;

18 (5) To induce or attempt to induce any person to sell or rent any dwelling by  
19 representations regarding the entry or prospective entry into the neighborhood of a person or  
20 persons of a particular race, color, religion, national origin, ancestry, sex, disability, or familial  
21 status;

22 (6) To discriminate in the sale or rental of, or to otherwise make unavailable or deny, a  
23 dwelling to any buyer or renter because of a disability of:

24 (a) That buyer or renter;

25 (b) A person residing in or intending to reside in that dwelling after it is so sold, rented,  
26 or made available; or

27 (c) Any person associated with that buyer or renter;

28 (7) To discriminate against any person in the terms, conditions, or privileges of sale or  
29 rental of a dwelling, or in the provision of services or facilities in connection with such dwelling,  
30 because of a disability of:

31 (a) That person;

32 (b) A person residing in or intending to reside in that dwelling after it is so sold, rented,  
33 or made available; or

34 (c) Any person associated with that person.

35 2. For purposes of this section and sections 213.045 and 213.050, discrimination  
36 includes:

37 (1) A refusal to permit, at the expense of the person with the disability, reasonable  
38 modifications of existing premises occupied or to be occupied by such person if such  
39 modifications may be necessary to afford such person full enjoyment of the premises, except that,  
40 in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for  
41 a modification on the renter's agreeing to restore the interior of the premises to the condition that  
42 existed before the modification, reasonable wear and tear excepted;

43 (2) A refusal to make reasonable accommodations in rules, policies, practices, or  
44 services, when such accommodations may be necessary to afford such person equal opportunity  
45 to use and enjoy a dwelling; or

46 (3) In connection with the design and construction of covered multifamily dwellings for  
47 first occupancy after March 13, 1991, a failure to design and construct those dwellings in such  
48 a manner that:

49 (a) The public use and common use portions of such dwellings are readily accessible to  
50 and usable by persons with a disability;

51 (b) All the doors designed to allow passage into and within all premises within such  
52 dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs; and

53 (c) All premises within such dwellings contain the following features of adaptive design:

54 a. An accessible route into and through the dwelling;

55 b. Light switches, electrical outlets, thermostats, and other environmental controls in  
56 accessible locations;

57 c. Reinforcements in bathroom walls to allow later installation of grab bars; and

58 d. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver  
59 about the space.

60 3. As used in subdivision (3) of subsection 2 of this section, the term "covered  
61 multifamily dwelling" means:

62 (1) Buildings consisting of four or more units if such buildings have one or more  
63 elevators; and

64 (2) Ground floor units in other buildings consisting of four or more units.

65 4. Compliance with the appropriate requirements of the American National Standard for  
66 Buildings and Facilities providing accessibility and usability for people with physical disabilities,

67 commonly cited as "ANSI A117.1", suffices to satisfy the requirements of paragraph (a) of  
68 subdivision (3) of subsection 2 of this section.

69 5. Where a unit of general local government has incorporated into its laws the  
70 requirements set forth in subdivision (3) of subsection 2 of this section, compliance with such  
71 laws shall be deemed to satisfy the requirements of that subdivision. Such compliance shall be  
72 subject to the following provisions:

73 (1) A unit of general local government may review and approve newly constructed  
74 covered multifamily dwellings for the purpose of making determinations as to whether the design  
75 and construction requirements of subdivision (3) of subsection 2 of this section are met;

76 (2) The commission shall encourage, but may not require, the units of local government  
77 to include in their existing procedures for the review and approval of newly constructed covered  
78 multifamily dwellings, determinations as to whether the design and construction of such  
79 dwellings are consistent with subdivision (3) of subsection 2 of this section, and shall provide  
80 technical assistance to units of local government and other persons to implement the  
81 requirements of subdivision (3) of subsection 2 of this section;

82 (3) Nothing in this chapter shall be construed to require the commission to review or  
83 approve the plans, designs or construction of all covered dwellings, to determine whether the  
84 design and construction of such dwellings are consistent with the requirements of subdivision  
85 (3) of subsection 2 of this section.

86 6. Nothing in this chapter shall be construed to invalidate or limit any law of the state  
87 or political subdivision of the state, or other jurisdiction in which this chapter shall be effective,  
88 that requires dwellings to be designed and constructed in a manner that affords persons with  
89 disabilities greater access than is required by this chapter.

90 7. Nothing in this section and sections 213.045 and 213.050 requires that a dwelling be  
91 made available to an individual whose tenancy would constitute a direct threat to the health or  
92 safety of other individuals or whose tenancy would result in substantial physical damage to the  
93 property of others.

94 8. Nothing in this section and sections 213.045 and 213.050 limits the applicability of  
95 any reasonable local or state restriction regarding the maximum number of occupants permitted  
96 to occupy a dwelling, nor does any provision in this section and sections 213.045 and 213.050  
97 regarding familial status apply with respect to housing for older persons.

98 9. As used in this section and sections 213.045 and 213.050, "housing for older persons"  
99 means housing:

100 (1) Provided under any state or federal program that the commission determines is  
101 specifically designed and operated to assist elderly persons, as defined in the state or federal  
102 program;



- 103 (2) Intended for, and solely occupied by, persons sixty-two years of age or older; or  
104 (3) Intended and operated for occupancy by at least one person fifty-five years of age or  
105 older per unit. In determining whether housing qualifies as housing for older persons under this  
106 subsection, the commission shall develop regulations which require at least the following factors:  
107 (a) The existence of significant facilities and services specifically designed to meet the  
108 physical or social needs of older persons, or if the provision of such facilities and services is not  
109 practicable, that such housing is necessary to provide important housing opportunities for older  
110 persons; and  
111 (b) That at least eighty percent of the units are occupied by at least one person fifty-five  
112 years of age or older per unit; and  
113 (c) The publication of, and adherence to, policies and procedures which demonstrate an  
114 intent by the owner or manager to provide housing for persons fifty-five years of age or older.
- 115 10. Housing shall not fail to meet the requirements for housing for older persons by  
116 reason of:  
117 (1) Persons residing in such housing as of August 28, 1992, who do not meet the age  
118 requirements of subdivision (2) or (3) of subsection 9 of this section, provided that new  
119 occupants of such housing meet the age requirements of subdivision (2) or (3) of subsection 9  
120 of this section; or  
121 (2) Unoccupied units, provided that such units are reserved for occupancy by persons  
122 who meet the age requirements of subdivision (2) or (3) of subsection 9 of this section.
- 123 11. Nothing in this section or section 213.045 or 213.050 shall prohibit conduct against  
124 a person because such person has been convicted by any court of competent jurisdiction of the  
125 illegal manufacture or distribution of a controlled substance, as defined by section 195.010.
- 126 12. Nothing in this chapter shall prohibit a religious organization, association, or society,  
127 or any nonprofit institution or organization operated, supervised or controlled by or in  
128 conjunction with a religious organization, association, or society, from limiting the sale, rental  
129 or occupancy of dwellings which it owns or operates for other than a commercial purpose to  
130 persons of the same religion, or from giving preference to such persons, unless membership in  
131 such religion is restricted on account of race, color, or national origin. Nor shall anything in this  
132 chapter prohibit a private club not in fact open to the public, which as an incident to its primary  
133 purpose or purposes provides lodging which it owns or operates for other than a commercial  
134 purpose, from limiting the rental or occupancy of such lodging to its members or from giving  
135 preference to its members.
- 136 13. Nothing in this chapter, other than the prohibitions against discriminatory advertising  
137 in subdivision (3) of subsection 1 of this section, shall apply to:

138 (1) The sale or rental of any single family house by a private individual owner, provided  
139 the following conditions are met:

140 (a) The private individual owner does not own or have any interest in more than three  
141 single family houses at any one time; and

142 (b) The house is sold or rented without the use of a real estate broker, agent or  
143 salesperson or the facilities of any person in the business of selling or renting dwellings and  
144 without publication, posting or mailing of any advertisement. If the owner selling the house does  
145 not reside in it at the time of the sale or was not the most recent resident of the house prior to  
146 such sale, the exemption in this section applies to only one such sale in any twenty-four-month  
147 period; or

148 (2) Rooms or units in dwellings containing living quarters occupied or intended to be  
149 occupied by no more than four families living independently of each other, if the owner actually  
150 maintains and occupies one of such living quarters as his or her residence.

213.045. It shall be unlawful for any bank, building and loan association, insurance  
2 company or other corporation, association, firm or enterprise whose business consists in whole  
3 or in part in the making of commercial real estate loans, to deny a loan or other financial  
4 assistance because of race, color, religion, national origin, ancestry, sex, **sexual orientation,**  
5 **gender identity,** disability or familial status to a person applying therefor for the purpose of  
6 purchasing, construction, improving, repairing, or maintaining a dwelling, or to discriminate  
7 against [him] **such person** in fixing of the amount, interest rate, duration or other terms or  
8 conditions of such loan or other financial assistance, because of the race, color, religion, national  
9 origin, ancestry, sex, **sexual orientation, gender identity,** disability, or familial status of such  
10 person or of any person associated with [him] **such person** in connection with such loan or other  
11 financial assistance, or of the present or prospective owners, lessees, tenants, or occupants, of  
12 the dwellings in relation to which such loan or other financial assistance is to be made or given.

213.050. It shall be unlawful to deny any person access to or membership or participation  
2 in any multiple listing service, real estate brokers' organization or other service organization, or  
3 facility relating to the business of selling or renting dwellings, on account of race, color, religion,  
4 national origin, ancestry, sex, **sexual orientation, gender identity,** disability, or familial status.

213.055. 1. It shall be an unlawful employment practice:

2 (1) For an employer, because of the race, color, religion, national origin, sex, **sexual**  
3 **orientation, gender identity,** ancestry, age or disability of any individual:

4 (a) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate  
5 against any individual with respect to his **or her** compensation, terms, conditions, or privileges  
6 of employment, because of such individual's race, color, religion, national origin, sex, **sexual**  
7 **orientation, gender identity,** ancestry, age or disability;

8 (b) To limit, segregate, or classify [his] **such person's** employees or [his] **such person's**  
9 employment applicants in any way which would deprive or tend to deprive any individual of  
10 employment opportunities or otherwise adversely affect [his] **such person's** status as an  
11 employee, because of such individual's race, color, religion, national origin, sex, **sexual**  
12 **orientation, gender identity**, ancestry, age or disability;

13 (2) For a labor organization to exclude or to expel from its membership any individual  
14 or to discriminate in any way against any of its members or against any employer or any  
15 individual employed by an employer because of race, color, religion, national origin, sex, **sexual**  
16 **orientation, gender identity**, ancestry, age or disability of any individual; or to limit, segregate,  
17 or classify its membership, or to classify or fail or refuse to refer for employment any individual,  
18 in any way which would deprive or tend to deprive any individual of employment opportunities,  
19 or would limit such employment opportunities or otherwise adversely affect [his] **such**  
20 **individual's** status as an employee or as an applicant for employment, because of such  
21 individual's race, color, religion, national origin, sex, **sexual orientation, gender identity**,  
22 ancestry, age or disability; or for any employer, labor organization, or joint labor-management  
23 committee controlling apprenticeship or other training or retraining, including on-the-job training  
24 programs to discriminate against any individual because of [his] **such individual's** race, color,  
25 religion, national origin, sex, **sexual orientation, gender identity**, 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  
29 or 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  
31 expresses, directly or indirectly, any limitation, specification, or discrimination, because of race,  
32 color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or  
33 disability unless based upon a bona fide occupational qualification or for an employment agency  
34 to fail or refuse to refer for employment, or otherwise to discriminate against, any individual  
35 because of [his] **such individual's** race, color, religion, national origin, sex, **sexual orientation,**  
36 **gender identity**, ancestry, age as it relates to employment, or disability, or to classify or refer for  
37 employment any individual on the basis of his race, color, religion, national origin, sex, **sexual**  
38 **orientation, gender identity**, ancestry, age or disability.

39 2. Notwithstanding any other provision of this chapter, it shall not be an unlawful  
40 employment practice for an employer to apply different standards of compensation, or different  
41 terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system,  
42 or a system which measures earnings by quantity or quality of production or to employees who  
43 work in different locations, provided that such differences or such systems are not the result of

44 an intention or a design to discriminate, and are not used to discriminate, because of race, color,  
45 religion, sex, **sexual orientation, gender identity**, national origin, ancestry, age or disability,  
46 nor shall it be an unlawful employment practice for an employer to give and to act upon the  
47 results of any professionally developed ability test, provided that such test, its administration, or  
48 action upon the results thereof, is not designed, intended or used to discriminate because of race,  
49 color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or  
50 disability.

51 3. Nothing contained in this chapter shall be interpreted to require any employer,  
52 employment agency, labor organization, or joint labor-management committee subject to this  
53 chapter to grant preferential treatment to any individual or to any group because of the race,  
54 color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or  
55 disability of such individual or group on account of an imbalance which may exist with respect  
56 to the total number or percentage of persons of any race, color, religion, national origin, sex,  
57 **sexual orientation, gender identity**, ancestry, age or disability employed by any employer,  
58 referred or classified for employment by any employment agency or labor organization, admitted  
59 to membership or classified by any labor organization, or admitted to or employed in any  
60 apprenticeship or other training program, in comparison with the total number or percentage of  
61 persons of such race, color, religion, national origin, sex, **sexual orientation, gender identity**,  
62 ancestry, age or disability in any community, state, section, or other area, or in the available  
63 workforce in any community, state, section, or other area.

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

213.065. 1. All persons within the jurisdiction of the state of Missouri are free and equal  
2 and shall be entitled to the full and equal use and enjoyment within this state of any place of  
3 public accommodation, as hereinafter defined, without discrimination or segregation on the  
4 grounds of race, color, religion, national origin, sex, **sexual orientation, gender identity**,  
5 ancestry, or disability.

6 2. It is an unlawful discriminatory practice for any person, directly or indirectly, to  
7 refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny  
8 any other person, any of the accommodations, advantages, facilities, services, or privileges made  
9 available in any place of public accommodation, as defined in section 213.010 and this section,  
10 or to segregate or discriminate against any such person in the use thereof on the grounds of race,  
11 color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, or disability.

12 3. The provisions of this section shall not apply to a private club, a place of  
13 accommodation owned by or operated on behalf of a religious corporation, association or society,

14 or other establishment which is not in fact open to the public, unless the facilities of such  
15 establishments are made available to the customers or patrons of a place of public  
16 accommodation as defined in section 213.010 and this section.

213.070. It shall be an unlawful discriminatory practice:

2 (1) To aid, abet, incite, compel, or coerce the commission of acts prohibited under this  
3 chapter or to attempt to do so;

4 (2) To retaliate or discriminate in any manner against any other person because such  
5 person has opposed any practice prohibited by this chapter or because such person has filed a  
6 complaint, testified, assisted, or participated in any manner in any investigation, proceeding or  
7 hearing conducted pursuant to this chapter;

8 (3) For the state or any political subdivision of this state to discriminate on the basis of  
9 race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age, as  
10 it relates to employment, disability, or familial status as it relates to housing; or

11 (4) To discriminate in any manner against any other person because of such person's  
12 association with any person protected by this chapter.

213.101. The provisions of this chapter shall be construed to accomplish the purposes  
2 thereof and any law inconsistent with any provision of this chapter shall not apply. Nothing  
3 contained in this chapter shall be deemed to repeal any of the provisions of any law of this state  
4 relating to the discrimination because of race, color, religion, national origin, sex, **sexual**  
5 **orientation, gender identity**, ancestry, age, disability, or familial status.

288.030. 1. As used in this chapter, unless the context clearly requires otherwise, the  
2 following terms mean:

3 (1) "Appeals tribunal", a referee or a body consisting of three referees appointed to  
4 conduct hearings and make decisions on appeals from administrative determinations, petitions  
5 for reassessment, and claims referred pursuant to subsection 2 of section 288.070;

6 (2) "Base period", the first four of the last five completed calendar quarters immediately  
7 preceding the first day of an individual's benefit year;

8 (3) "Benefit year", the one-year period beginning with the first day of the first week with  
9 respect to which an insured worker first files an initial claim for determination of such worker's  
10 insured status, and thereafter the one-year period beginning with the first day of the first week  
11 with respect to which the individual, providing the individual is then an insured worker, next  
12 files such an initial claim after the end of the individual's last preceding benefit year;

13 (4) "Benefits", the money payments payable to an insured worker, as provided in this  
14 chapter, with respect to such insured worker's unemployment;

15 (5) "Calendar quarter", the period of three consecutive calendar months ending on March  
16 thirty-first, June thirtieth, September thirtieth, or December thirty-first;

- 17 (6) "Claimant", an individual who has filed an initial claim for determination of such  
18 individual's status as an insured worker, a notice of unemployment, a certification for waiting  
19 week credit, or a claim for benefits;
- 20 (7) "Commission", the labor and industrial relations commission of Missouri;
- 21 (8) "Common paymaster", two or more related corporations in which one of the  
22 corporations has been designated to disburse remuneration to concurrently employed individuals  
23 of any of the related corporations;
- 24 (9) "Contributions", the money payments to the unemployment compensation fund  
25 required by this chapter, exclusive of interest and penalties;
- 26 (10) "Decision", a ruling made by an appeals tribunal or the commission after a hearing;
- 27 (11) "Deputy", a representative of the division designated to make investigations and  
28 administrative determinations on claims or matters of employer liability or to perform related  
29 work;
- 30 (12) "Determination", any administrative ruling made by the division without a hearing;
- 31 (13) "Director", the administrative head of the division of employment security;
- 32 (14) "Division", the division of employment security which administers this chapter;
- 33 (15) "Employing unit", any individual, organization, partnership, corporation, common  
34 paymaster, or other legal entity, including the legal representatives thereof, which has or,  
35 subsequent to June 17, 1937, had in its employ one or more individuals performing services for  
36 it within this state. All individuals performing services within this state for any employing unit  
37 which maintains two or more separate establishments within this state shall be deemed to be  
38 employed by a single employing unit for all the purposes of this chapter. Each individual  
39 engaged to perform or to assist in performing the work of any person in the service of an  
40 employing unit shall be deemed to be engaged by such employing unit for all the purposes of this  
41 chapter, whether such individual was engaged or paid directly by such employing unit or by such  
42 person, provided the employing unit had actual or constructive knowledge of the work;
- 43 (16) "Employment office", a free public employment office operated by this or any other  
44 state as a part of a state controlled system of public employment offices including any location  
45 designated by the state as being a part of the one-stop career system;
- 46 (17) "Equipment", a motor vehicle, straight truck, tractor, semi-trailer, full trailer, any  
47 combination of these and any other type of equipment used by authorized carriers in the  
48 transportation of property for hire;
- 49 (18) "Fund", the unemployment compensation fund established by this chapter;
- 50 (19) "Governmental entity", the state, any political subdivision thereof, any  
51 instrumentality of any one or more of the foregoing which is wholly owned by this state and one

52 or more other states or political subdivisions and any instrumentality of this state or any political  
53 subdivision thereof and one or more other states or political subdivisions;

54 (20) "Initial claim", an application, in a form prescribed by the division, made by an  
55 individual for the determination of the individual's status as an insured worker;

56 (21) "Insured work", employment in the service of an employer;

57 (22) (a) As to initial claims filed after December 31, 1990, "insured worker", a worker  
58 who has been paid wages for insured work in the amount of one thousand dollars or more in at  
59 least one calendar quarter of such worker's base period and total wages in the worker's base  
60 period equal to at least one and one-half times the insured wages in that calendar quarter of the  
61 base period in which the worker's insured wages were the highest, or in the alternative, a worker  
62 who has been paid wages in at least two calendar quarters of such worker's base period and  
63 whose total base period wages are at least one and one-half times the maximum taxable wage  
64 base, taxable to any one employer, in accordance with subsection 2 of section 288.036. For the  
65 purposes of this definition, "wages" shall be considered as wage credits with respect to any  
66 benefit year, only if such benefit year begins subsequent to the date on which the employing unit  
67 by which such wages were paid has become an employer;

68 (b) As to initial claims filed after December 31, 2004, wages for insured work in the  
69 amount of one thousand two hundred dollars or more, after December 31, 2005, one thousand  
70 three hundred dollars or more, after December 31, 2006, one thousand four hundred dollars or  
71 more, after December 31, 2007, one thousand five hundred dollars or more in at least one  
72 calendar quarter of such worker's base period and total wages in the worker's base period equal  
73 to at least one and one-half times the insured wages in that calendar quarter of the base period  
74 in which the worker's insured wages were the highest, or in the alternative, a worker who has  
75 been paid wages in at least two calendar quarters of such worker's base period and whose total  
76 base period wages are at least one and one-half times the maximum taxable wage base, taxable  
77 to any one employer, in accordance with subsection 2 of section 288.036;

78 (23) "Misconduct", [an act of wanton or willful disregard of the employer's interest, a  
79 deliberate violation of the employer's rules, a disregard of standards of behavior which the  
80 employer has the right to expect of his or her employee, or negligence in such degree or  
81 recurrence as to manifest culpability, wrongful intent or evil design, or show an intentional and  
82 substantial disregard of the employer's interest or of the employee's duties and obligations to the  
83 employer] **only as the term is used in this chapter, conduct or failure to act in such a**  
84 **manner that results in interference with job performance regardless of whether such**  
85 **conduct or failure to act occurs at the workplace or during work hours, which shall**  
86 **include:**

87           **(a) Conduct or a failure to act demonstrating knowing disregard of the employer's**  
88 **interest or a knowing violation of the standards which the employer expects of his or her**  
89 **employee;**

90           **(b) Conduct or a failure to act demonstrating carelessness or negligence in such**  
91 **degree or recurrence as to manifest culpability, wrongful intent, or a knowing disregard**  
92 **of the employer's interest or of the employee's duties and obligations to the employer;**

93           **(c) A violation of an employer's no-call, no-show policy; chronic absenteeism or**  
94 **tardiness in violation of a known policy of the employer; or one or more unapproved**  
95 **absences following a written reprimand or warning relating to an unapproved absence;**

96           **(d) A knowing violation of a state standard or regulation by an employee of an**  
97 **employer licensed or certified by the state, which would cause the employer to be**  
98 **sanctioned or have its license or certification suspended or revoked; or**

99           **(e) A violation of an employer's rule, unless the employee can demonstrate that:**

100           **a. He or she did not know, and could not reasonably know, of the rules'**  
101 **requirements; or**

102           **b. The rule is not lawful;**

103           (24) "Referee", a representative of the division designated to serve on an appeals  
104 tribunal;

105           (25) "State" includes, in addition to the states of the United States of America, the  
106 District of Columbia, Puerto Rico, the Virgin Islands, and the Dominion of Canada;

107           (26) "Temporary employee", an employee assigned to work for the clients of a temporary  
108 help firm;

109           (27) "Temporary help firm", a firm that hires its own employees and assigns them to  
110 clients to support or supplement the clients' workforce in work situations such as employee  
111 absences, temporary skill shortages, seasonal workloads, and special assignments and projects;

112           (28) (a) An individual shall be deemed "totally unemployed" in any week during which  
113 the individual performs no services and with respect to which no wages are payable to such  
114 individual;

115           (b) a. An individual shall be deemed "partially unemployed" in any week of less than  
116 full-time work if the wages payable to such individual for such week do not equal or exceed the  
117 individual's weekly benefit amount plus twenty dollars;

118           b. Effective for calendar year 2007 and each year thereafter, an individual shall be  
119 deemed "partially unemployed" in any week of less than full-time work if the wages payable to  
120 such individual for such week do not equal or exceed the individual's weekly benefit amount plus  
121 twenty dollars or twenty percent of his or her weekly benefit amount, whichever is greater;



122 (c) An individual's "week of unemployment" shall begin the first day of the calendar  
123 week in which the individual registers at an employment office except that, if for good cause the  
124 individual's registration is delayed, the week of unemployment shall begin the first day of the  
125 calendar week in which the individual would have otherwise registered. The requirement of  
126 registration may by regulation be postponed or eliminated in respect to claims for partial  
127 unemployment or may by regulation be postponed in case of a mass layoff due to a temporary  
128 cessation of work;

129 (29) "Waiting week", the first week of unemployment for which a claim is allowed in  
130 a benefit year or if no waiting week has occurred in a benefit year in effect on the effective date  
131 of a shared work plan, the first week of participation in a shared work unemployment  
132 compensation program pursuant to section 288.500.

133 2. The Missouri average annual wage shall be computed as of June thirtieth of each year,  
134 and shall be applicable to the following calendar year. The Missouri average annual wage shall  
135 be calculated by dividing the total wages reported as paid for insured work in the preceding  
136 calendar year by the average of mid-month employment reported by employers for the same  
137 calendar year. The Missouri average weekly wage shall be computed by dividing the Missouri  
138 average annual wage as computed in this subsection by fifty-two.

288.050. 1. Notwithstanding the other provisions of this law, a claimant shall be  
2 disqualified for waiting week credit or benefits until after the claimant has earned wages for  
3 work insured pursuant to the unemployment compensation laws of any state equal to ten times  
4 the claimant's weekly benefit amount if the deputy finds:

5 (1) That the claimant has left work voluntarily without good cause attributable to such  
6 work or to the claimant's employer. A temporary employee of a temporary help firm will be  
7 deemed to have voluntarily quit employment if the employee does not contact the temporary help  
8 firm for reassignment prior to filing for benefits. Failure to contact the temporary help firm will  
9 not be deemed a voluntary quit unless the claimant has been advised of the obligation to contact  
10 the firm upon completion of assignments and that unemployment benefits may be denied for  
11 failure to do so. **"Good cause", for the purposes of this subdivision, shall include only that**  
12 **cause which would compel a reasonable employee to cease working or which would require**  
13 **separation from work due to illness or disability.** The claimant shall not be disqualified:

14 (a) If the deputy finds the claimant quit such work for the purpose of accepting a more  
15 remunerative job which the claimant did accept and earn some wages therein;

16 (b) If the claimant quit temporary work to return to such claimant's regular employer; or

17 (c) If the deputy finds the individual quit work, which would have been determined not  
18 suitable in accordance with paragraphs (a) and (b) of subdivision (3) of this subsection, within  
19 twenty-eight calendar days of the first day worked;

20 (d) As to initial claims filed after December 31, 1988, if the claimant presents evidence  
21 supported by competent medical proof that she was forced to leave her work because of  
22 pregnancy, notified her employer of such necessity as soon as practical under the circumstances,  
23 and returned to that employer and offered her services to that employer as soon as she was  
24 physically able to return to work, as certified by a licensed and practicing physician, but in no  
25 event later than ninety days after the termination of the pregnancy. An employee shall have been  
26 employed for at least one year with the same employer before she may be provided benefits  
27 pursuant to the provisions of this paragraph;

28 (e) If the deputy finds that, due to the spouse's mandatory and permanent military change  
29 of station order, the claimant quit work to relocate with the spouse to a new residence from  
30 which it is impractical to commute to the place of employment and the claimant remained  
31 employed as long as was reasonable prior to the move. The claimant's spouse shall be a member  
32 of the U.S. Armed Forces who is on active duty, or a member of the National Guard or other  
33 reserve component of the U.S. Armed Forces who is on active National Guard or reserve duty.  
34 The provisions of this paragraph shall only apply to individuals who have been determined to  
35 be an insured worker as provided in subdivision (22) of subsection 1 of section 288.030;

36 (2) That the claimant has retired pursuant to the terms of a labor agreement between the  
37 claimant's employer and a union duly elected by the employees as their official representative  
38 or in accordance with an established policy of the claimant's employer; or

39 (3) That the claimant failed without good cause either to apply for available suitable  
40 work when so directed by a deputy of the division or designated staff of an employment office  
41 as defined in subsection 1 of section 288.030, or to accept suitable work when offered the  
42 claimant, either through the division or directly by an employer by whom the individual was  
43 formerly employed, or to return to the individual's customary self-employment, if any, when so  
44 directed by the deputy. An offer of work shall be rebuttably presumed if an employer notifies  
45 the claimant in writing of such offer by sending an acknowledgment via any form of certified  
46 mail issued by the United States Postal Service stating such offer to the claimant at the claimant's  
47 last known address. Nothing in this subdivision shall be construed to limit the means by which  
48 the deputy may establish that the claimant has or has not been sufficiently notified of available  
49 work.

50 (a) In determining whether or not any work is suitable for an individual, the division  
51 shall consider, among other factors and in addition to those enumerated in paragraph (b) of this  
52 subdivision, the degree of risk involved to the individual's health, safety and morals, the  
53 individual's physical fitness and prior training, the individual's experience and prior earnings, the  
54 individual's length of unemployment, the individual's prospects for securing work in the  
55 individual's customary occupation, the distance of available work from the individual's residence

56 and the individual's prospect of obtaining local work; except that, if an individual has moved  
57 from the locality in which the individual actually resided when such individual was last  
58 employed to a place where there is less probability of the individual's employment at such  
59 individual's usual type of work and which is more distant from or otherwise less accessible to  
60 the community in which the individual was last employed, work offered by the individual's most  
61 recent employer if similar to that which such individual performed in such individual's last  
62 employment and at wages, hours, and working conditions which are substantially similar to those  
63 prevailing for similar work in such community, or any work which the individual is capable of  
64 performing at the wages prevailing for such work in the locality to which the individual has  
65 moved, if not hazardous to such individual's health, safety or morals, shall be deemed suitable  
66 for the individual;

67 (b) Notwithstanding any other provisions of this law, no work shall be deemed suitable  
68 and benefits shall not be denied pursuant to this law to any otherwise eligible individual for  
69 refusing to accept new work under any of the following conditions:

70 a. If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

71 b. If the wages, hours, or other conditions of the work offered are substantially less  
72 favorable to the individual than those prevailing for similar work in the locality;

73 c. If as a condition of being employed the individual would be required to join a  
74 company union or to resign from or refrain from joining any bona fide labor organization.

75 2. If a deputy finds that a claimant has been discharged for misconduct connected with  
76 the claimant's work, such claimant shall be disqualified for waiting week credit and benefits, and  
77 no benefits shall be paid nor shall the cost of any benefits be charged against any employer for  
78 any period of employment within the base period until the claimant has earned wages for work  
79 insured under the unemployment laws of this state or any other state as prescribed in this section.

80 In addition to the disqualification for benefits pursuant to this provision the division may in the  
81 more aggravated cases of misconduct cancel all or any part of the individual's wage credits,  
82 which were established through the individual's employment by the employer who discharged  
83 such individual, according to the seriousness of the misconduct. A disqualification provided for  
84 pursuant to this subsection shall not apply to any week which occurs after the claimant has  
85 earned wages for work insured pursuant to the unemployment compensation laws of any state  
86 in an amount equal to six times the claimant's weekly benefit amount. Should a claimant be  
87 disqualified on a second or subsequent occasion within the base period or subsequent to the base  
88 period the claimant shall be required to earn wages in an amount equal to or in excess of six  
89 times the claimant's weekly benefit amount for each disqualification.

90 3. [Absenteeism or tardiness may constitute a rebuttable presumption of misconduct,  
91 regardless of whether the last incident alone constitutes misconduct, if the discharge was the

92 result of a violation of the employer's attendance policy, provided the employee had received  
93 knowledge of such policy prior to the occurrence of any absence or tardy upon which the  
94 discharge is based.

95         4.] Notwithstanding the provisions of subsection 1 of this section, a claimant may not  
96 be determined to be disqualified for benefits because the claimant is in training approved  
97 pursuant to Section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as  
98 amended), or because the claimant left work which was not suitable employment to enter such  
99 training. For the purposes of this subsection "suitable employment" means, with respect to a  
100 worker, work of a substantially equal or higher skill level than the worker's past adversely  
101 affected employment, and wages for such work at not less than eighty percent of the worker's  
102 average weekly wage as determined for the purposes of the Trade Act of 1974.

✓