



**ARIZONA STATE SENATE**  
*Fifty-Fifth Legislature, First Regular Session*

**ENACTED**

FACT SHEET FOR H.B. 2045/S.B. 1180

civil rights; amendments

Purpose

Includes, in *because of sex* or *on the basis of sex* as the terms relate to employment discrimination law, because of or on the basis of pregnancy, childbirth and related medical conditions. Modifies requirements relating to enforcement of civil rights laws.

Background

The Civil Rights Division of the Attorney General's Office (Division) administers and enforces Arizona civil rights statutes relating to voting rights, employment, public accommodations, and fair housing ([A.R.S. Title 41, Chapter 9](#)). The Division may issue subpoenas compelling witness attendance and testimony or the production of documents ([A.R.S. § 41-1403](#)).

An employer, employment agency, labor organization or a joint labor-management committee controlling training or retraining programs may not discriminate against an individual on the basis of disability or because of the individual's race, color, religion, sex, age or national origin. State and federal law outline actions that constitute an unlawful employment practice ([A.R.S. § 41-1463](#); [42 U.S.C. § 2000e](#)). Federal law includes, in *because of sex* or *on the basis of sex*, because of or on the basis of pregnancy, childbirth, or related medical conditions, and requires women affected by pregnancy, childbirth or related medical conditions to be treated the same for all employment-related purposes ([42 U.S.C. § 2000e](#)).

An employer may differentiate on the basis of sex in determining wages or compensation if authorized under federal law allowing an employer to pay a rate less than the amount paid to employees of the opposite sex for equal work if payment is made according to a: 1) seniority or merit system; 2) system that measures earnings by production quantity or quality; or 3) differential based on a factor other than sex ([A.R.S. § 41-1463](#); [29 U.S.C. § 206](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

***Employment Discrimination***

1. Includes, in *because of sex* or *on the basis of sex* relating to employment discrimination statutes, because of or on the basis of pregnancy, childbirth or related medical conditions.
2. Requires women affected by pregnancy, childbirth or related medical conditions to be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons who are:
  - a) similar in their ability or inability to work; and
  - b) not affected by pregnancy, childbirth or related medical conditions.

3. Prohibits, from being interpreted to allow a woman affected by pregnancy, childbirth or related medical conditions to be treated differently from others similar in ability or inability to work, the specification that it is not an unlawful employment practice for an employer to differentiate on the basis of sex in determining wages or compensation according to federally outlined criteria.
4. Specifies that an employee or individual in an apprenticeship or other training or retraining program may not be discriminated against for:
  - a) opposing an unlawful employment practice; or
  - b) making a charge, testifying, assisting or participating in an employment discrimination investigation, proceeding or hearing.
5. Removes the specification of a 90-day time frame for a charging party or a person a charge alleges was aggrieved to bring a civil action after the Division's notice that the Division dismissed a charge or has not filed a civil action or entered into a conciliation agreement.

***Division Enforcement of Civil Rights***

6. Extends, from 5 days to 14 days, the time period after service of a subpoena within which a person required to produce evidence in the person's possession or control may petition the Division to revoke, limit or modify the subpoena.
7. Authorizes, rather than requires, the Attorney General to file a civil action in an appropriate court if a conciliation agreement is not reached within 30 days after the Attorney General determines reasonable cause exists to believe public accommodation and services statutes are being violated.

***Miscellaneous***

8. Makes technical and conforming changes.
9. Becomes effective on the general effective date.

House Action

COM            1/19/21    DP    10-0-0-0  
3<sup>rd</sup> Read        1/28/21                    58-0-2

Senate Action

COM            1/20/21    DP    7-0-2  
3<sup>rd</sup> Read        1/28/21                    28-1-1  
(H.B. 2045 was substituted for S.B. 1180 on  
3<sup>rd</sup> Read)

Signed by the Governor 2/4/21  
Chapter 1

Prepared by Senate Research  
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LB/kja