

House Bill 204

By: Representatives Scott of the 76th, Smyre of the 135th, Bennett of the 94th, Schofield of the 60th, Burnough of the 77th, and others

A BILL TO BE ENTITLED

AN ACT

1 To provide a comprehensive state civil rights law protecting individuals from discrimination
2 in housing, public accommodations, and employment; to provide for legislative findings and
3 intent; to amend Article 4 of Chapter 3 of Title 8 of the Official Code of Georgia Annotated,
4 relating to fair housing, so as to prohibit discrimination in housing; to amend Title 10 of the
5 Official Code of Georgia Annotated, relating to commerce and trade, so as to protect the
6 right to equal enjoyment of and privileges to public accommodations; to amend Chapter 1
7 of Title 34 and Title 45 of the Official Code of Georgia Annotated, relating to labor and
8 industrial relations generally and public officers and employees, respectively, so as to
9 prohibit discrimination in private and public employment; to provide for definitions and to
10 revise a definition; to provide for related matters; to provide for an effective date; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

15 (a) The General Assembly finds and declares that:

16 (1) Georgia is one of only three states without comprehensive state civil rights laws
17 protecting individuals from discrimination in employment, housing, and public
18 accommodations;

19 (2) The General Assembly has considered legislation in recent years adding specific
20 protections against discrimination for people based on religious beliefs, as well as sexual
21 orientation and gender identity in separate contexts;

22 (3) The Georgia Constitution guarantees equal protection under the law for all citizens;

23 (4) The Georgia Constitution guarantees the natural and inalienable right to worship
24 God, according to the dictates of a person's own conscience; and no human authority
25 should, in any case, control or interfere with such right of conscience;

26 (5) The Georgia Constitution holds that no one should be molested in person or property
27 on account of religious opinions; but the right of freedom of religion shall not be
28 construed as to excuse acts of licentiousness or justify practices inconsistent with the
29 peace and safety of ~~the~~ this state; and

30 (6) It is the duty of the General Assembly to enact such laws as will protect all citizens
31 in the full enjoyment of the rights, privileges, and immunities due to such citizenship.

32 (b) It is the intent of the General Assembly:

33 (1) To expand and clarify civil rights laws in this state, addressing discrimination in
34 employment, housing, and public accommodations; and

35 (2) That this Act is liberally construed to safeguard against the discrimination prohibited
36 herein and shall be construed in light of federal judicial and administrative interpretations
37 of similar federal civil rights laws.

PART II**SECTION 2-1.**

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40 Article 4 of Chapter 3 of Title 8 of the Official Code of Georgia Annotated, relating to fair
41 housing, is amended by revising Code Section 8-3-200, relating to state policy, as follows:
42 "8-3-200.

43 (a) It is the policy of the State of Georgia to provide, within constitutional limitations, for
44 fair housing throughout this state.

45 (b) The general purposes of this article are:

46 (1) To provide for execution in ~~the~~ this state of policies embodied in Title VIII of the
47 Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988;

48 (2) To safeguard all individuals from discrimination in any aspect relating to the sale,
49 rental, or financing of dwellings or in the provision of brokerage services or facilities in
50 connection with the sale or rental of a dwelling because of that individual's race, color,
51 religion, sex, sexual orientation, gender identity, age, disability ~~or handicap~~, familial
52 status, or national origin;

53 (3) To promote the elimination of discrimination in any aspect relating to the sale, rental,
54 or financing of dwellings or in the provision of brokerage services or facilities in
55 connection with the sale or rental of a dwelling because of a person's race, color, religion,
56 sex, sexual orientation, gender identity, age, disability ~~or handicap~~, familial status, or
57 national origin; and

58 (4) To promote the protection of each individual's interest in personal dignity and
59 freedom from humiliation and the individual's freedom to take up residence wherever
60 ~~such individual~~ he or she chooses; to secure the state against domestic strife and unrest
61 which would menace its democratic institutions; to preserve the public safety, health, and
62 general welfare; and to further the interests, rights, and privileges of individuals within
63 this state.

64 (c) This article shall be broadly construed to further the general purposes stated in this
65 Code section and the special purposes of the particular provision involved."

66 **SECTION 2-2.**

67 Said article is further amended by revising paragraphs (1) through (5) of subsection (a) of
68 Code Section 8-3-202, relating to unlawful practices in selling or renting dwellings and
69 exceptions, as follows:

70 "(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to
71 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to
72 any person because of race, color, religion, sex, sexual orientation, gender identity, age
73 disability, familial status, or national origin;

74 (2) To discriminate against any person in the terms, conditions, or privileges of sale or
75 rental of a dwelling, or in the provision of services or facilities in connection therewith,
76 because of race, color, religion, sex, sexual orientation, gender identity, age, disability,
77 familial status, or national origin;

78 (3) To make, print, or publish or cause to be made, printed, or published any notice,
79 statement, or advertisement, with respect to the sale or rental of a dwelling, that indicates
80 any preference, limitation, or discrimination based on race, color, religion, sex, sexual
81 orientation, gender identity, age, disability, familial status, or national origin, or an
82 intention to make any such preference, limitation, or discrimination;

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

86 (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by
87 representations regarding the entry or prospective entry into the neighborhood of a person
88 or persons of a particular race, color, religion, sex, sexual orientation, gender identity,
89 age, familial status, or national origin or with a disability;"

90 **SECTION 2-3.**

91 Said article is further amended by revising Code Section 8-3-203, relating to unlawful denial
92 of or discrimination in membership or participation in service or organization relating to
93 selling or renting dwellings, as follows:

94 "8-3-203.

95 It shall be unlawful to deny any person access to or membership or participation in any
96 multiple-listing service, real estate brokers' organization, or other service, organization, or
97 facility relating to the business of selling or renting dwellings or to discriminate against
98 such person in the terms or conditions of such access, membership, or participation on
99 account of race, color, religion, sex, sexual orientation, gender identity, age, disability,
100 familial status, or national origin."

101 **SECTION 2-4.**

102 Said article is further amended by revising subsections (b) and (c) of Code Section 8-3-204,
103 relating to discrimination in residential real estate related transactions and appraisals, as
104 follows:

105 "(b) It shall be unlawful for any person or other entity whose business includes engaging
106 in residential real estate related transactions to discriminate against any person in making
107 available such a transaction or in the terms or conditions of such a transaction because of
108 race, color, religion, sex, sexual orientation, gender identity, age, disability, handicap,
109 familial status, or national origin.

110 (c) Nothing in this article shall be construed to prohibit a person engaged in the business
111 of furnishing appraisals of real property from taking into consideration factors other than
112 race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability,
113 ~~handicap~~, or familial status."

114 **SECTION 2-5.**

115 Said article is further amended by revising subsection (a) of Code Section 8-3-205, relating
 116 to permissible limitations in sale, rental, or occupancy of dwellings by religious organizations
 117 or private clubs and housing for older persons, as follows:

118 "(a) Nothing in this article shall prohibit a religious organization, association, or society,
 119 or any nonprofit institution or organization operated, supervised, or controlled by or in
 120 conjunction with a religious organization, association, or society, from limiting the sale,
 121 rental, or occupancy of dwellings which it owns or operates for other than a commercial
 122 purpose to persons of the same religion or from giving preference to such persons unless
 123 membership in such religion is restricted on account of race, color, sex, sexual orientation,
 124 gender identity, age, disability, handicap, familial status, or national origin. Nothing in this
 125 article shall prohibit a private club not in fact open to the public, which as an incident to
 126 its primary purpose or purposes provides lodgings which it owns or operates for other than
 127 a commercial purpose, from limiting the rental or occupancy of such lodgings to its
 128 members or from giving preference to its members."

129 **PART III**

130 **SECTION 3-1.**

131 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
 132 amended by adding a new chapter to read as follows:

133 "CHAPTER 16

134 10-16-1.

135 (a) It is the policy of the State of Georgia to provide, within constitutional limitations, for
 136 equal enjoyment of public accommodations throughout this state.

137 (b) The general purpose of this chapter is to provide for execution in this state of the
138 policies embodied in 42 U.S.C. Section 2000a, et seq.

139 (c) This chapter shall be broadly construed to further the general purposes stated in this
140 Code section and the special purposes of the particular provision involved.

141 10-16-2.

142 As used in this chapter, the term 'place of public accommodation' means any:

143 (1) Inn, hotel, motel, or other establishment which provides lodging to transient guests
144 other than an establishment located within a building which contains not more than five
145 rooms for rent or hire and which is actually occupied by the proprietor or owner of such
146 establishment as his or her residence;

147 (2) Restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility
148 principally engaged in selling food for consumption on the premises, including, but not
149 limited to, any such facility located on the premises of any retail establishment;

150 (3) Gas station;

151 (4) Motion picture house, theater, concert hall, sports arena, stadium, or other place of
152 exhibition or entertainment; or

153 (5) Establishment which is physically located within the premises of any establishment
154 otherwise covered by this paragraph, or within the premises of which is physically
155 located any such covered establishment, and which holds itself out as serving patrons of
156 such covered establishment.

157 10-16-3.

158 All persons shall be entitled to the full and equal enjoyment of the goods, services,
159 facilities, privileges, advantages, and accommodations of any place of public
160 accommodation without discrimination or segregation on the basis of race, color, religion,
161 sex, sexual orientation, gender identity, age, disability, or national origin.

162 (b) No person shall:

163 (1) Withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive any
164 person of any right or privilege secured by subsection (a) of this Code Section;

165 (2) Intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any
166 person with the purpose of interfering with any right or privilege secured by
167 subsection (a) of this Code Section; or

168 (3) Punish or attempt to punish any person for exercising or attempting to exercise any
169 right or privilege secured by subsection (a) of this Code Section.

170 10-16-4.

171 Whenever any person has engaged or there are reasonable grounds to believe that any
172 person is about to engage in any act or practice prohibited by Code Section 10-16-3, a civil
173 action for preventive relief, including an application for a permanent or temporary
174 injunction, restraining order, or other order, may be instituted by the person aggrieved, and
175 the court may grant such relief as it deems appropriate. In any action commenced pursuant
176 to this chapter, the court, in its discretion, may allow the prevailing party reasonable
177 attorneys' fees as part of the costs.

178 10-16-5.

179 This chapter shall be broadly construed to safeguard against the discrimination prohibited
180 by this chapter and shall be construed in light of federal judicial decisions interpreting 42
181 U.S.C. Section 2000a, et seq., and 42 U.S.C. Section 1981."

182

PART IV

183

SECTION 4-1.

184 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general
185 provisions regarding labor and industrial relations, is amended by adding a new Code section
186 to read as follows:

187 "34-1-11.

188 (a)(1) It is the policy of the State of Georgia to provide, within constitutional limitations,
189 for equal employment opportunities throughout this state.

190 (2) The general purpose of this Code section is to provide for execution in this state of
191 policies embodied in 42 U.S.C. Section 2000e, et seq.

192 (b) As used in this Code section, the term 'employer' means a person engaged in an
193 industry affecting commerce, as defined in 42 U.S.C. Section 2000e as of January 1, 2021,
194 who has 15 or more employees for each working day in each of 20 or more calendar weeks
195 in the current or preceding calendar year, and any agent of such a person, but such term
196 does not include:

197 (1) The United States, a corporation wholly owned by the government of the United
198 States, or an Indian tribe;

199 (2) A bona fide private membership club, other than a labor organization, as defined in
200 42 U.S.C. Section 2000e as of January 1, 2021, which is exempt from taxation under
201 Section 501(c)(3) of the Internal Revenue Code of 1986; or

202 (3) A public employer, as defined in Code Section 45-19-22.

203 (c) It shall be unlawful for an employer to:

204 (1) Fail or refuse to hire or to discharge any individual, or otherwise to discriminate
205 against any individual with respect to such individual's compensation, terms, conditions,
206 or privileges of employment, because of such individual's race, disability, religion, sex,
207 sexual orientation, gender identity, age, or national origin; or

208 (2) Limit, segregate, or classify its employees or applicants for employment in any way
209 which would deprive or tend to deprive any individual of employment opportunities or
210 otherwise adversely affect such individual's status as an employee, because of such
211 individual's race, disability, religion, sex, sexual orientation, gender identity, age, or
212 national origin.

213 (d) An employee in this state shall have a private right of action for a claim against his or
214 her employer on the basis of discrimination for a violation of subsection (c) of this Code
215 section.

216 (e)(1) If the court finds that a respondent has intentionally engaged in or is intentionally
217 engaging in an unlawful employment practice charged in the complaint, the court may
218 enjoin the respondent from engaging in such unlawful employment practice, and order
219 such affirmative action as may be appropriate, which may include, but is not limited to,
220 reinstatement or hiring of employees, with or without back pay, or any other equitable
221 relief as the court deems appropriate. Back pay liability shall not accrue from a date
222 more than two years prior to the filing of a claim. Interim earnings or amounts earnable
223 with reasonable diligence by the person or persons discriminated against shall operate to
224 reduce the back pay otherwise allowable.

225 (2) No order of the court shall require the hiring, reinstatement, or promotion of an
226 individual as an employee, or the payment to such individual of any back pay, if such
227 individual was refused admission, suspended, or expelled, or was refused employment
228 or advancement or was suspended or discharged for any reason other than such
229 individual's race, disability, religion, sex, sexual orientation, gender identity, age, or
230 national origin in violation of this Code section.

231 (f) This Code section shall be broadly construed to safeguard against the discrimination
232 prohibited in this Code section and shall be construed in light of federal judicial decisions
233 interpreting 42 U.S.C. Section 2000e, et seq."

234 **SECTION 4-2.**

235 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
236 is amended by revising Code Section 45-19-21, relating to the purposes and construction of
237 the "Fair Employment Practices Act of 1978," as follows:

238 "45-19-21.

239 (a) The general purposes of this article are:

240 (1) To provide for execution within public employment in ~~the~~ this state of the policies
241 embodied in Title VII of the federal Civil Rights Act of 1964 (78 Stat. 241), as amended
242 by the Equal Employment Opportunity Act of 1972 (86 Stat. 103), as from time to time
243 amended, the federal Age Discrimination in Employment Act of 1967 (81 Stat. 602), as
244 from time to time amended, and the federal Rehabilitation Act of 1973 (87 Stat. 355), as
245 from time to time amended;

246 (2) To safeguard all individuals in public employment from discrimination in
247 employment; and

248 (3) To promote the elimination of discrimination against all individuals in public
249 employment because of such individuals' race, color, religion, national origin, sex, sexual
250 orientation, gender identity, disability, or age thereby to promote the protection of their
251 interest in personal dignity and freedom from humiliation; to make available to ~~the~~ this
252 state their full productive capacities; to secure ~~the~~ this state against domestic strife and
253 unrest which would menace its democratic institutions; to preserve the public safety,
254 health, and general welfare; and to further the interests, rights, and privileges of
255 individuals within ~~the~~ this state.

256 (b) This article shall be broadly construed to further the general purposes stated in this
257 Code section and the special purposes of the particular provision involved.

258 (c) Nothing in this article shall be construed as indicating an intent to exclude local or
259 federal laws on the same subject matter, which laws are not inconsistent with this article.

260 (d) Nothing contained in this article shall be deemed to repeal any other nonconflicting law
261 of this state relating to discrimination because of race, color, religion, national origin, sex,
262 sexual orientation, gender identity, disability, or age."

263 **SECTION 4-3.**

264 Said title is further amended by revising paragraph (4) of Code Section 45-19-22, relating
265 to definitions relative to the "Fair Employment Practices Act of 1978," as follows:

266 "(4) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction,
267 restriction, segregation, limitation, refusal, denial, or any other act or practice of
268 differentiation or preference in the treatment of a person or persons because of race,
269 color, religion, national origin, sex, sexual orientation, gender identity, disability,
270 handicap, or age or the aiding, abetting, inciting, coercing, or compelling of such an act
271 or practice. This term shall not include any direct or indirect act or practice of exclusion,
272 distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice
273 of differentiation or preference in the treatment of a person or persons because of religion
274 if an employer demonstrates that the employer is unable to accommodate reasonably an
275 employee's or prospective employee's religious observance or practice without undue
276 hardship on the conduct of the employer's operation."

277 **SECTION 4-4.**

278 Said title is further amended by revising paragraphs (8) and (14) of Code Section 45-19-27,
279 relating to additional powers and duties of the administrator of the Commission on Equal
280 Opportunity, as follows:

281 "(8) To receive, initiate, investigate, seek to conciliate, and make determinations
282 regarding complaints alleging violations of this article and to approve or disapprove plans
283 required by the Governor to eliminate or reduce imbalance in employment with respect

284 to race, color, disability, religion, sex, sexual orientation, gender identity, national origin,
285 or age;"

286 "(14) To adopt, promulgate, amend, and rescind, subject to approval of the board and the
287 Governor and after giving proper notice and hearing to all public employers pursuant to
288 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' such rules and
289 regulations as may be necessary to carry out the provisions of this article, including
290 regulations requiring the posting or inclusion in advertising material of notices prepared
291 or approved by the administrator and regulations regarding the filing, approval, or
292 disapproval of plans to eliminate or reduce imbalance in employment with respect to race,
293 color, disability, religion, sex, sexual orientation, gender identity, national origin, or age;"

294 **SECTION 4-5.**

295 Said title is further amended by revising Code Section 45-19-29, relating to unlawful
296 practices generally relative to fair employment practices, as follows:

297 "45-19-29.

298 It is an unlawful practice for an employer:

299 (1) To fail or refuse to hire, to discharge, or otherwise to discriminate against any
300 individual with respect to the individual's compensation, terms, conditions, or privileges
301 of employment because of such individual's race, color, religion, national origin, sex,
302 sexual orientation, gender identity, disability, or age;

303 (2) To limit, segregate, or classify his or her employees in any way which would deprive
304 or tend to deprive an individual of employment opportunities or otherwise adversely
305 affect an individual's status as an employee because of such individual's race, color,
306 religion, national origin, sex, sexual orientation, gender identity, disability, or age; or

307 (3) To hire, promote, advance, segregate, or affirmatively hire an individual solely
308 because of race, color, religion, national origin, sex, sexual orientation, gender identity,
309 disability, or age, but this paragraph shall not prohibit an employer from voluntarily

310 adopting and carrying out a plan to fill vacancies or hire new employees in a manner to
311 eliminate or reduce imbalance in employment with respect to race, color, disability,
312 religion, sex, sexual orientation, gender identity, national origin, or age if the plan has
313 first been filed with the administrator for review and comment for a period of not less
314 than 30 days."

315 **SECTION 4-6.**

316 Said title is further amended by revising Code Section 45-19-30, relating to unlawful
317 practices in training or apprenticeship programs, as follows:

318 "45-19-30.

319 It is an unlawful practice for an employer controlling apprenticeship or other training or
320 retraining, including on-the-job training programs, to discriminate against an individual
321 because of such individual's race, color, religion, national origin, sex, sexual orientation,
322 gender identity, disability, or age in admission to or employment in any program
323 established to provide apprenticeship or other training or to discriminate by allowing
324 admission or promotion to an apprenticeship or training program solely because of race,
325 color, religion, national origin, sex, sexual orientation, gender identity, disability, or age."

326 **SECTION 4-7.**

327 Said title is further amended by revising Code Section 45-19-31, relating to unlawful
328 practices in advertisement of employment, as follows:

329 "45-19-31.

330 It is an unlawful practice for an employer to print or publish or cause to be printed or
331 published a notice or advertisement relating to employment by such an employer indicating
332 any preference, limitation, specification, or discrimination based on race, color, religion,
333 national origin, sex, sexual orientation, gender identity, disability, or age, except that such
334 a notice or advertisement may indicate a preference, limitation, or specification based on

335 race, color, religion, national origin, sex, sexual orientation, gender identity, disability, or
336 age when religion, national origin, sex, sexual orientation, gender identity, disability, or age
337 is a bona fide occupational qualification for employment."

338 **SECTION 4-8.**

339 Said title is further amended by revising Code Section 45-19-33, relating to different
340 standards of compensation or different terms and conditions of employment where not based
341 on race, color, religion, sex, national origin, disability, or age, as follows:

342 "45-19-33.

343 It is not an unlawful practice for an employer to apply different standards of compensation
344 or different terms, conditions, or privileges of employment pursuant to a bona fide seniority
345 or merit system, or a system which measures earnings by quantity or quality of production,
346 or to employees who work in different locations, provided that such differences are not the
347 result of an intention to discriminate because of race, color, religion, national origin, sex,
348 sexual orientation, gender identity, disability, or age; nor is it an unlawful practice for an
349 employer to give and to act upon the results of any professionally developed ability test,
350 provided that such test, its administration, or action upon the results thereof is not designed,
351 intended, or used to discriminate because of race, color, religion, national origin, sex,
352 sexual orientation, gender identity, disability, or age."

353 **SECTION 4-9.**

354 Said title is further amended by revising subsections (b) and (c) of Code Section 45-19-35,
355 relating to use of quotas because of imbalances in employee ratios prohibited, grants of
356 preferential treatment to certain individuals or groups not required by the "Fair Employment
357 Practices Act of 1978," adoption of plans required by Governor to reduce imbalance, and
358 effect of said Act upon certain employment practices, as follows:

359 "(b) Nothing contained in this article requires an employer to grant preferential treatment
360 to an individual or to a group because of the race, color, religion, national origin, sex,
361 sexual orientation, gender identity, disability, or age of the individual or group on account
362 of an imbalance which may exist with respect to the total number or percentage of persons
363 of any race, color, religion, national origin, sex, sexual orientation, gender identity,
364 disability, or age in ~~the~~ this state or a community, section, or other area or in the available
365 work force in ~~the~~ this state or a community, section, or other area.

366 (c) It is specifically provided that neither subsection (a) nor (b) of this Code section nor
367 any other provision of this article shall prohibit an employer from adopting or carrying out
368 a plan to fill vacancies or hire new employees in a manner to eliminate or reduce imbalance
369 in employment with respect to race, color, disability, religion, sex, sexual orientation,
370 gender identity, national origin, or age if such plan is required by the Governor and filed
371 with and approved by the administrator prior to its final adoption and implementation."

372 **SECTION 4-10.**

373 Said title is further amended by revising paragraph (7) of subsection (c) of Code
374 Section 45-19-38, relating to findings, conclusions, and order of special master generally and
375 order to cease and desist from unlawful practice and to take remedial action, as follows:

376 "(7) Recommending to the Governor that the respondent be required to adopt and file
377 with the administrator, within a specified time limitation, for the administrator's approval
378 a plan to fill vacancies or hire new employees in a manner to eliminate or reduce
379 imbalance in employment with respect to race, color, disability, religion, sex, sexual
380 orientation, gender identity, national origin, or age."

381 **SECTION 4-11.**

382 Said title is further amended by revising paragraph (1) of subsection (b) of Code Section
383 45-20-1, relating to purposes and principles relative to personnel administration, as follows:

384 "(1) Assuring fair treatment of applicants and employees in all aspects of personnel
385 administration without regard to race, color, national origin, sex, sexual orientation,
386 gender identity, age, disability, religious creed, or political affiliations. This 'fair
387 treatment' principle includes compliance with all state and federal equal employment
388 opportunity and nondiscrimination laws;"

389 **SECTION 4-12.**

390 Said title is further amended by revising paragraph (2) of Code Section 45-20-4, relating to
391 the duties and responsibilities of the commissioner in the administration of this chapter, as
392 follows:

393 "(2) To submit to the Governor the rules and regulations adopted by the board. Such
394 rules and regulations when approved by the Governor shall have the force and effect of
395 law and shall be binding upon the state departments covered by this article and shall
396 include provisions for the establishment and maintenance of classification and
397 compensation plans, the conduct of examinations, appointments, promotions, transfers,
398 demotions, appeals of classified employees, reports of performance, payroll certification,
399 and other phases of personnel administration. Such rules and regulations shall define and
400 prohibit improper political activity by any departmental employee of the State Personnel
401 Board or any employee covered under the terms of this article and shall provide that there
402 shall be no discrimination for or against any person or employee in any manner, to
403 include, but not be limited to, hiring, discharge, compensation, benefits, terms or
404 conditions of employment, promotion, job classification, transfer, privileges, or demotion
405 because of political affiliation, religious affiliation, race, creed, national origin, sex,
406 sexual orientation, gender identity, age between 40 and 70 years, or physical disability.
407 Such rules and regulations shall conform to the minimum standards for merit systems of
408 personnel administration as specified by those federal departments from which federal
409 funds are obtained for use by the several state departments covered by this article.

410 Compensation plans and modifications thereto promulgated under the rules and
411 regulations of the commissioner shall become effective as adopted upon approval ~~of~~ by
412 the director of the Office of Planning and Budget;"

413 **PART V**
414 **SECTION 5-1.**

415 This Act shall become effective on January 1, 2022.

416 **SECTION 5-2.**

417 All laws and parts of laws in conflict with this Act are repealed.