

House Bill 987

By: Representatives Park of the 101st, Trammell of the 132nd, Gonzalez of the 117th, Wallace of the 119th, Alexander of the 66th, and others

A BILL TO BE ENTITLED
AN ACT

1 To provide 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 definitions; to provide
10 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**PART I**
14 style="text-align:center">**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 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.

38 PART II

39 SECTION 2-1.

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 ~~the~~ this state.

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

46 (1) To provide for execution in the state of policies embodied in Title VIII of the Civil
 47 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 chooses; to secure the state against domestic strife and unrest which

61 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 ~~the~~ 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, as
 69 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, as follows:

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

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

113 **SECTION 2-5.**

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

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

128

PART III

129

SECTION 3-1.

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

132

"CHAPTER 16133 10-16-1.

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

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

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

140 10-16-2.

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

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

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

149 (3) Gas station;

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

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

156 10-16-3.

157 (a) All persons shall be entitled to the full and equal enjoyment of the goods, services,
 158 facilities, privileges, advantages, and accommodations of any place of public

159 accommodation without discrimination or segregation on the basis of race, color, religion,
 160 sex, sexual orientation, gender identity, age, disability, or national origin.

161 (b) No person shall:

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

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

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

169 10-16-4.

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

177 10-16-5.

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

181 **PART IV**

182 **SECTION 4-1.**

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

186 "34-1-11.

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

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

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

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

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

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

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

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

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

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

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

224 (2) No order of the court shall require the hiring, reinstatement, or promotion of an
 225 individual as an employee, or the payment to such individual of any back pay, if such
 226 individual was refused admission, suspended, or expelled, or was refused employment
 227 or advancement or was suspended or discharged for any reason other than such

228 individual's race, disability, religion, sex, sexual orientation, gender identity, age, or
 229 national origin in violation of this Code section.

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

233 **SECTION 4-2.**

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

237 "45-19-21.

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

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

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

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

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

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

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

262 **SECTION 4-3.**

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

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

276 **SECTION 4-4.**

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

280 "(8) To receive, initiate, investigate, seek to conciliate, and make determinations
281 regarding complaints alleging violations of this article and to approve or disapprove plans
282 required by the Governor to eliminate or reduce imbalance in employment with respect
283 to race, color, disability, religion, sex, sexual orientation, gender identity, national origin,
284 or age;"

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

293 **SECTION 4-5.**

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

296 "45-19-29.

297 It is an unlawful practice for an employer:

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

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

306 (3) To hire, promote, advance, segregate, or affirmatively hire an individual solely
 307 because of race, color, religion, national origin, sex, sexual orientation, gender identity,
 308 disability, or age, but this paragraph shall not prohibit an employer from voluntarily
 309 adopting and carrying out a plan to fill vacancies or hire new employees in a manner to
 310 eliminate or reduce imbalance in employment with respect to race, color, disability,
 311 religion, sex, sexual orientation, gender identity, national origin, or age if the plan has
 312 first been filed with the administrator for review and comment for a period of not less
 313 than 30 days."

314 **SECTION 4-6.**

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

317 "45-19-30.

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

325 **SECTION 4-7.**

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

328 "45-19-31.

329 It is an unlawful practice for an employer to print or publish or cause to be printed or
 330 published a notice or advertisement relating to employment by such an employer indicating

331 any preference, limitation, specification, or discrimination based on race, color, religion,
 332 national origin, sex, sexual orientation, gender identity, disability, or age, except that such
 333 a notice or advertisement may indicate a preference, limitation, or specification based on
 334 race, color, religion, national origin, sex, sexual orientation, gender identity, disability, or
 335 age when religion, national origin, sex, sexual orientation, gender identity, disability, or age
 336 is a bona fide occupational qualification for employment."

337 **SECTION 4-8.**

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

341 "45-19-33.

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

352 **SECTION 4-9.**

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

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

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

371 **SECTION 4-10.**

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

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

380 **SECTION 4-11.**

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

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

388 **SECTION 4-12.**

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

392 "(2) To submit to the Governor the rules and regulations adopted by the board. Such
 393 rules and regulations when approved by the Governor shall have the force and effect of
 394 law and shall be binding upon the state departments covered by this article and shall
 395 include provisions for the establishment and maintenance of classification and
 396 compensation plans, the conduct of examinations, appointments, promotions, transfers,
 397 demotions, appeals of classified employees, reports of performance, payroll certification,
 398 and other phases of personnel administration. Such rules and regulations shall define and

399 prohibit improper political activity by any departmental employee of the State Personnel
400 Board or any employee covered under the terms of this article and shall provide that there
401 shall be no discrimination for or against any person or employee in any manner, to
402 include, but not be limited to, hiring, discharge, compensation, benefits, terms or
403 conditions of employment, promotion, job classification, transfer, privileges, or demotion
404 because of political affiliation, religious affiliation, race, creed, national origin, sex,
405 sexual orientation, gender identity, age between 40 and 70 years, or physical disability.
406 Such rules and regulations shall conform to the minimum standards for merit systems of
407 personnel administration as specified by those federal departments from which federal
408 funds are obtained for use by the several state departments covered by this article.
409 Compensation plans and modifications thereto promulgated under the rules and
410 regulations of the commissioner shall become effective as adopted upon approval ~~of~~ by
411 the director of the Office of Planning and Budget;"

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

414 This Act shall become effective on January 1, 2019.

415 **SECTION 5-2.**

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