

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1345

By: Dunnington

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6 AS INTRODUCED

7 An Act relating to definitions and general
8 provisions; amending 25 O.S. 2011, Sections 1301 and
9 1302, which relate to discrimination in employment;
10 adding definitions; modifying discriminatory practice
11 by employer; and providing an effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 25 O.S. 2011, Section 1301, is
14 amended to read as follows:

15 Section 1301. As used in Section 1101 et seq. of this title:

16 1. "Employer" means:

- 17 a. a legal entity, institution or organization that pays
18 one or more individuals a salary or wages for work
19 performance, or
20 b. a legal entity, institution or organization which
21 contracts or subcontracts with the state, a
22 governmental entity or a state agency to furnish
23 material or perform work.
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1 Employer does not include a Native American tribe or a bona fide
2 membership club, other than a labor organization, that is exempt
3 from taxation under Title 26, Section 501(c) of the United States
4 Code;

5 2. "Employment agency" means a person regularly undertaking
6 with or without compensation to procure employees for an employer or
7 to procure for employees opportunities to work for an employer and
8 includes an agent of such a person;

9 3. "Labor organization" means:

10 a. an organization of any kind, an agency or employee
11 representation committee, group, association, or plan
12 in which employees participate and which exists for
13 the purpose, in whole or in part, of dealing with
14 employers concerning grievances, labor disputes,
15 wages, rates of pay, hours, or other terms or
16 conditions of employment,

17 b. a conference, general committee, joint or system
18 board, or joint council so engaged which is
19 subordinate to a national or international labor
20 organization, or

21 c. an agent of a labor organization;

22 4. "Individual with a disability" means a person who has a
23 physical or mental impairment which substantially limits one or more
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1 of such person's major life activities, has a record of such an
2 impairment or is regarded as having such an impairment;

3 5. "Age discrimination in employment" means discrimination in
4 employment of persons who are at least forty (40) years of age;

5 6. "Sex", "because of sex" or "based on sex" includes, but is
6 not limited to, pregnancy, childbirth or related medical conditions;
7 women affected by pregnancy, childbirth or related medical
8 conditions shall be treated the same for all employment-related
9 purposes as other persons not so affected but similar in their
10 ability or inability to work;

11 7. "Genetic information" means information derived from the
12 results of a genetic test. "Genetic information" shall not include
13 family history, the results of a routine physical examination or
14 test, the results of a chemical, blood or urine analysis, the
15 results of a test to determine drug use, the results of a test for
16 the presence of the human immunodeficiency virus, or the results of
17 any other test commonly accepted in clinical practice at the time it
18 is ordered; ~~and~~

19 8. "Employee" means an individual who receives a salary or
20 wages from an employer. Employee shall not include independent
21 contractors;

22 9. "Sexual orientation" means having a preference, or being
23 perceived to have a preference, for heterosexuality, homosexuality
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1 or bisexuality, having a history of such a preference or being
2 identified with such a preference; and

3 10. "Gender identity or expression" means a gender-related
4 identity, appearance, expression or behavior of a person, regardless
5 of the person's assigned sex at birth.

6 SECTION 2. AMENDATORY 25 O.S. 2011, Section 1302, is
7 amended to read as follows:

8 Section 1302. A. It is a discriminatory practice for an
9 employer:

10 1. To fail or refuse to hire, to discharge, or otherwise to
11 discriminate against an individual with respect to compensation or
12 the terms, conditions, privileges or responsibilities of employment,
13 because of race, color, religion, sex, sexual orientation, gender
14 identity or expression, national origin, age, genetic information or
15 disability, unless the employer can demonstrate that accommodation
16 for the disability would impose an undue hardship on the operation
17 of the business of such employer; or

18 2. To limit, segregate, or classify an employee or applicant
19 for employment in a way which would deprive or tend to deprive an
20 individual of employment opportunities or otherwise adversely affect
21 the status of an employee, because of race, color, religion, sex,
22 national origin, age, genetic information or disability, unless the
23 employer can demonstrate that accommodation for the disability would

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1 impose an undue hardship on the operation of the business of such
2 employer.

3 B. This section does not apply to the employment of an
4 individual by his or her parents, spouse, or child or to employment
5 in the domestic service of the employer.

6 SECTION 3. This act shall become effective November 1, 2015.

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