

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3025

By: Virgin

AS INTRODUCED

An Act relating to definitions and general provisions; amending 25 O.S. 2011, Sections 1302, 1303, 1304, 1305 and 1306, which relate to discrimination in employment; expanding what constitutes discriminatory practices for certain entities; and providing an effective date.

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

SECTION 1. AMENDATORY 25 O.S. 2011, Section 1302, is amended to read as follows:

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

1. To fail or refuse to hire, to discharge, or otherwise to discriminate against an individual with respect to compensation or the terms, conditions, privileges or responsibilities of employment, because of race, color, religion, sex, national origin, age, genetic information or disability, unless the employer can demonstrate that accommodation for the disability would impose an undue hardship on the operation of the business of such employer; ~~or~~

1 2. To limit, segregate, or classify an employee or applicant
2 for employment in a way which would deprive or tend to deprive an
3 individual of employment opportunities or otherwise adversely affect
4 the status of an employee, because of race, color, religion, sex,
5 national origin, age, genetic information or disability, unless the
6 employer can demonstrate that accommodation for the disability would
7 impose an undue hardship on the operation of the business of such
8 employer;

9 3. To take adverse action against an employee based on a
10 reproductive health decision of an employee or an employee's spouse
11 or dependent, including the use of any drug, device or medical
12 service. Adverse action includes but is not limited to termination,
13 demotion or refusal to promote or advance, loss of career specialty,
14 reassignment to a different shift, reduction of wages or benefits,
15 refusal to provide training opportunities or transfer to a different
16 department, adverse administrative action or any other penalty, or
17 disciplinary or retaliatory action;

18 4. To require an employee to sign a waiver or other document
19 which purports to deny an employee, or an employee's spouse or
20 dependent, the right to make their own reproductive health care
21 decisions, including whether to use any particular drug, device or
22 medical service; or

23 5. To retaliate against an employee for asserting rights or
24 remedies pursuant to this section.

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

4 C. An employer that provides an employee handbook to its
5 employees shall include in the handbook notice of employee rights
6 and remedies pursuant to this section.

7 SECTION 2. AMENDATORY 25 O.S. 2011, Section 1303, is
8 amended to read as follows:

9 Section 1303. It is a discriminatory practice for an employment
10 agency ~~to~~:

11 1. To fail or refuse to refer for employment, or otherwise to
12 discriminate against, an individual because of race, color,
13 religion, sex, national origin, age, genetic information or
14 disability, unless the agency can demonstrate that accommodation for
15 the disability would impose an undue hardship on the operation of
16 the business of such agency, or to classify or refer for employment
17 an individual on the basis of race, color, religion, sex, national
18 origin, age, genetic information or disability, unless the agency
19 can demonstrate that accommodation for the disability would impose
20 an undue hardship on the operation of the business of such agency;

21 2. To fail or refuse to refer for employment, or otherwise take
22 adverse action against an individual based on a reproductive health
23 decision of an individual or an individual's spouse or dependent,
24 including the use of any drug, device or medical service. Adverse

1 action includes but is not limited to termination, demotion or
2 refusal to promote or advance, loss of career specialty,
3 reassignment to a different shift, reduction of wages or benefits,
4 refusal to provide training opportunities or transfer to a different
5 department, adverse administrative action or any other penalty, or
6 disciplinary or retaliatory action;

7 3. To require an individual to sign a waiver or other document
8 which purports to deny an individual, or an individual's spouse or
9 dependent, the right to make their own reproductive health care
10 decisions, including whether to use any particular drug, device or
11 medical service; and

12 4. To retaliate against an individual for asserting rights or
13 remedies under this section.

14 SECTION 3. AMENDATORY 25 O.S. 2011, Section 1304, is
15 amended to read as follows:

16 Section 1304. A. It is a discriminatory practice for a labor
17 organization:

18 1. To exclude or to expel from membership, or otherwise to
19 discriminate against, a member or applicant for membership because
20 of race, color, religion, sex, national origin, age, genetic
21 information or disability, unless the organization can demonstrate
22 that accommodation for the disability would impose an undue hardship
23 on the operation of the business of such organization;

1 2. To limit, segregate, or classify membership, or to classify
2 or to fail or refuse to refer for employment an individual in a way:

3 a. which would deprive or tend to deprive an individual
4 of employment opportunities, or

5 b. which would limit employment opportunities or
6 otherwise adversely affect the status of an employee
7 or of an applicant for employment, because of race,
8 color, religion, sex, national origin, age, genetic
9 information or disability, unless the organization can
10 demonstrate that accommodation for the disability
11 would impose an undue hardship on the operation of the
12 business of such organization; or

13 3. To cause or attempt to cause an employer to violate Section
14 1101 et seq. of this title;

15 4. To exclude or to expel from membership, or otherwise to take
16 adverse action against a member or applicant for membership based on
17 a reproductive health decision of the member or applicant or the
18 member or applicant's spouse or dependent, including the use of any
19 drug, device or medical service. Adverse action includes but is not
20 limited to termination, demotion or refusal to promote or advance,
21 loss of career specialty, reassignment to a different shift,
22 reduction of wages or benefits, refusal to provide training
23 opportunities or transfer to a different department, adverse
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1 administrative action or any other penalty, or disciplinary or
2 retaliatory action;

3 5. To require a member or applicant for membership to sign a
4 waiver or other document which purports to deny a member or
5 applicant, or a member's spouse or dependent, the right to make
6 their own reproductive health care decisions, including whether to
7 use any particular drug, device or medical service; and

8 6. To retaliate against an employee for asserting rights or
9 remedies under this section.

10 B. A labor organization that provides a handbook to its members
11 shall include in the handbook notice of rights and remedies pursuant
12 to this section.

13 SECTION 4. AMENDATORY 25 O.S. 2011, Section 1305, is
14 amended to read as follows:

15 Section 1305. It is a discriminatory practice for an employer,
16 labor organization, or joint labor-management committee controlling
17 apprenticeship, on-the-job, or other training or retraining program,
18 ~~to~~:

19 1. To discriminate against an individual because of race,
20 color, religion, sex, national origin, age, genetic information or
21 disability, unless the employer, organization or committee can
22 demonstrate that accommodation for the disability would impose an
23 undue hardship on the operation of the business of such employer,
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1 organization or committee, in admission to, or employment in, a
2 program established to provide apprenticeship or other training;

3 2. To take adverse action against an individual based on a
4 reproductive health decision of the member or an individual's spouse
5 or dependent, including the use of any drug, device or medical
6 service. Adverse action includes but is not limited to termination,
7 demotion or refusal to promote or advance, loss of career specialty,
8 reassignment to a different shift, reduction of wages or benefits,
9 refusal to provide training opportunities or transfer to a different
10 department, adverse administrative action or any other penalty, or
11 disciplinary or retaliatory action;

12 3. To require an individual to sign a waiver or other document
13 which purports to deny an individual, or an individual's spouse or
14 dependent, the right to make their own reproductive health care
15 decisions, including whether to use any particular drug, device or
16 medical service; and

17 4. To retaliate against an individual for asserting rights or
18 remedies pursuant to this section.

19 SECTION 5. AMENDATORY 25 O.S. 2011, Section 1306, is
20 amended to read as follows:

21 Section 1306. It is a discriminatory practice for an employer,
22 labor organization, or employment agency to print or publish or
23 cause to be printed or published a notice or advertisement relating
24 to employment by the employer or membership in or a classification

1 or referral for employment by the labor organization, or relating to
2 a classification or referral for employment by the employment
3 agency, indicating a preference, limitation, specification, or
4 discrimination, based on race, color, religion, sex, national
5 origin, age, genetic information, reproductive health or disability,
6 unless the employer, organization or agency can demonstrate that
7 accommodation for the disability would impose an undue hardship on
8 the operation of the business of such employer, organization or
9 agency; but a notice or advertisement may indicate a preference,
10 limitation, specification, or discrimination based on religion, sex,
11 or national origin when religion, sex, or national origin is a bona
12 fide occupational qualification for employment.

13 SECTION 6. This act shall become effective November 1, 2018.

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