

Spoke to
the bill: Dennis Lloyd, General Counsel, Sr. Vice-President, Workers Compensation Fund
Brian Allen, Liberty Mutual Insurance

S.B. 274 Amendments to Utah Service Members' Civil Relief Act (*Sen. P. Knudson*)

Sen. Knudson presented the bill.

MOTION: Rep. Daw moved to pass the bill out favorably. The motion passed unanimously with Rep. King absent for the vote.

MOTION: Rep. Morgan moved to place S.B. 274 on the Consent Calendar. The motion passed unanimously with Rep. King absent for the vote.

1st Sub. S.B. 166 Nondiscrimination Amendments (*Sen. S. McCoy*)

Sen. McCoy presented the bill.

MOTION: Rep. Daw moved to amend the bill.

SUBSTITUTE

MOTION: Rep. Morgan moved to further amend the bill as follows:

1. *Page 1, Lines 14 through 17:*

- 14 ▶ includes military service as a prohibited basis for discrimination in employment
 in a
- 15 manner consistent with the Utah Antidiscrimination Act;
- 16 ▶ addresses preferences permitted by law {~~on the basis of~~} because of
 military service; and
- 17 ▶ makes technical and conforming amendments.

2. *Page 3, Lines 71 through 75*
Senate Committee Amendments
2-12-2008:

- 71 [~~(9)~~] (10) "Employment agency" means [~~any~~] a person:
- 72 (a) undertaking to procure {+} employees or opportunities {+} {~~an~~
 employer or an opportunity}

73 to work for {+} any other {+} ~~{another}~~ person; or
74 (b) holding itself out to be equipped to take an action described in Subsection [(9)]
75 (10)(a).

3. Page 6, Line 176:

176 (F) a joint apprenticeship committee; ~~{and}~~ or

4. Page 7, Lines 200 through 201:

200 (ii) minimize or eliminate discrimination in employment {+} because {+}
~~{on the basis}~~ of race,
201 color, sex, religion, national origin, age, ~~{or}~~ disability, or military service;

5. Page 7, Line 211 through Page 8, Line 213:

211 (i) recommend [any] legislation concerning discrimination {+} because {+}
~~{on the basis}~~ of
212 race, sex, color, national origin, religion, age, ~~{or}~~ disability, or military service to the
governor
213 that ~~{it}~~ the division considers necessary; and

6. Page 11, Lines 311 through 314:

311 (a) (i) An employer may not refuse to hire, promote, discharge, demote, or terminate
312 [any] a person, or to retaliate against, harass, or discriminate in matters of compensation or
in
313 ~~[terms, privileges, and conditions]~~ a term, privilege, or condition of employment against
[any]
314 a person otherwise qualified, {+} because {+} ~~{on the basis}~~ of:

7. Page 12, Lines 345 through 348:

345 (b) An employment agency may not:
346 (i) refuse to list and properly classify for employment, or refuse to refer an individual
347 for employment, in a known available job for which the individual is otherwise qualified,
348 {+} because {+} ~~{on the basis}~~ of:

8. Page 13, Lines 376 through 378:

376 representation~~[-because of:].~~

377 (ii) An action described in Subsection (1)(c)(i) is prohibited if it is taken ~~{on the~~
378 ~~basis}~~ because
of:

9. *Page 14, Lines 419 through 421:*

419 (A) deny to, or withhold from, ~~any~~ a qualified person, the right to be admitted to, or
420 participate in ~~any~~ the apprenticeship training program, on-the-job-training program, or
other
421 occupational instruction, training or retraining program ~~{+}~~ **because** ~~{+}~~ ~~{on~~
the basis} of:

10. *Page 15, Lines 431 through 432:*

431 (B) discriminate against or harass ~~any~~ a qualified person in that person's pursuit of
432 ~~programs~~ a program described in Subsection (1)(f)(i)(A)~~[-or to]~~ ~~{on the~~
basis} because of:

11. *Page 15, Lines 442 through 444:*

442 ~~(C)~~ discriminate against ~~such a person in the terms, conditions, or privileges of~~
443 ~~programs~~ a qualified person in a term, condition, or privilege described in Subsection
444 (1)(f)(i)(A), ~~{+}~~ **because** ~~{+}~~ ~~{on the basis}~~ of:

12. *Page 15, Lines 458 through 459:*

458 indicating ~~any~~ a preference, limitation, specification, or discrimination
~~{+}~~ **based** ~~{+}~~ on ~~{the basis~~
459 of} :

13. *Page 16, Lines 471 through 472:*

471 (1)(f)(i)~~{(C)}~~(D) may indicate a preference, limitation, specification, or discrimination
~~{+}~~ **based** ~~{+}~~
472 on ~~{the basis of}~~ :

14. *Page 18, Lines 541 through 546:*

541 (d) (i) This chapter may not be interpreted to require ~~any~~ an employer, employment
542 agency, labor organization, vocational school, joint labor-management committee, or
543 apprenticeship program subject to this chapter to grant preferential treatment ~~{+}~~ **to**

any individual
544 **or to any group because {+} {~~on the basis~~}** of the race, color, religion, sex,
age, national origin, [~~or~~]
545 disability, or military service of [~~the~~] an individual or group on account of an imbalance
546 [~~which~~] that may exist;

15. *Page 20, Lines 587 through 589:*

587 (7) It is not a discriminatory or prohibited practice to give a preference to an
individual
588 **{~~on the basis~~}** **because** of military service if that preference is given in
accordance with a federal, state, or
589 local law other than this chapter.

16. *Page 21, Lines 642 through 644:*

642 (b) (i) Upon receipt of the investigator's report described in Subsection (5)(a), the
643 director or the director's designee may issue a determination and order
{+} based {+} on {~~the basis of~~}
644 the investigator's report.

17. *Page 24, Lines 710 through 711:*

710 (15) The procedures contained in this section are the exclusive remedy under state
law
711 for employment discrimination **{+} based upon {+} {~~on the basis of~~}** :

18. *Page 24, Lines 722 through 723:*

722 (16) (a) The commencement of an action under federal law for relief **{+} based**
upon any {+}
723 **{~~on the basis of an~~}** act prohibited by this chapter bars the commencement or
continuation of

The motion passed unanimously.

MOTION: Rep. Morgan moved to pass the bill out favorably. The motion passed unanimously with Rep. Herrod absent for the vote.

Workforce Services Standing Committee
February 25, 2008
Page 6

MOTION: Rep. King moved to adjourn. The motion passed unanimously with Rep. Herrod absent for the vote. Rep. Mascaro adjourned the meeting at 8:40 a.m.

Steven R. Mascaro, Chair