



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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February 25, 2008

Mr. Speaker:

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. S.B. 166**, NONDISCRIMINATION AMENDMENTS, by Senator S. McCoy, with the following amendments:

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:*

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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  
basis-} because  
378 of:

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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

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Respectfully,

Steven R. Mascaro  
Committee Chair

Voting: 7-0-1

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