

SB172\_L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB23-172 be amended as follows:

1 Amend proposed committee amendment (SB172\_L.001), page 1, line 4,  
2 strike ""(1)(j), (1.3),"." and substitute ""(1.3)".".

3 Amend printed bill, page 10, strike lines 13 through 21.

4 Page 10 of the bill, line 22, after "(1.5)" insert "(a)".

5 Page 10 of the bill, line 26, strike "(a)" and substitute "(I)".

6 Page 11 of the bill, line 1, strike "HARASSMENT;" and substitute  
7 "HARASSMENT. AN EMPLOYER'S PROGRAM SATISFIES THIS SUBSECTION  
8 (1.5)(a)(I) IF THE EMPLOYER CAN DEMONSTRATE THAT:

9 (A) THE EMPLOYER CONDUCTS PROMPT, REASONABLE  
10 INVESTIGATIONS OF ALLEGED DISCRIMINATORY OR UNFAIR EMPLOYMENT  
11 PRACTICES, AS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; AND

12 (B) THE EMPLOYER TAKES PROMPT, REASONABLE REMEDIAL  
13 ACTIONS, WHEN WARRANTED, IN RESPONSE TO COMPLAINTS OF  
14 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICES, AS DESCRIBED IN  
15 SUBSECTION (1)(a) OF THIS SECTION."

16 Page 11 of the bill, strike lines 2 through 11.

17 Page 11 of the bill, line 12, strike "(c)" and substitute "(II)".

18 Page 11 of the bill, strike lines 15 through 19 and substitute:

19 "(III) THE EMPLOYER MAINTAINS AN ACCURATE, DESIGNATED  
20 REPOSITORY OF ALL WRITTEN OR ORAL COMPLAINTS OF DISCRIMINATORY  
21 OR UNFAIR EMPLOYMENT PRACTICES, AS DESCRIBED IN SUBSECTION (1)(a)  
22 OF THIS SECTION, THAT INCLUDES THE DATE OF THE COMPLAINT, THE  
23 IDENTITY OF THE COMPLAINING PARTY, THE IDENTITY OF THE ALLEGED  
24 PERPETRATOR, AND THE SUBSTANCE OF THE COMPLAINT;"

25 Page 11 of the bill, line 20, strike "(e)" and substitute "(IV)", and after  
26 "THE" insert "EMPLOYER CAN SHOW THAT THE".

27 Page 11 of the bill, strike lines 22 and 23 and substitute "(1.5)(a)(I) OF  
28 THIS SECTION.

29 (b) NOTHING IN THIS SUBSECTION (1.5) SUPERSEDES OR  
30 ELIMINATES ANY OTHER ANALYSES, EVALUATIONS, OR STANDARDS OF  
31 LIABILITY FOR HARASSMENT ESTABLISHED IN THIS SECTION AND THROUGH

1 JUDICIAL INTERPRETATION OF TITLE VII OF THE FEDERAL "CIVIL RIGHTS  
2 ACT OF 1964", AS AMENDED, 42 U.S.C. SEC. 2000e ET SEQ.; THE FEDERAL  
3 "AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967", AS AMENDED, 29  
4 U.S.C. SEC. 621 ET SEQ.; TITLES I AND V OF THE FEDERAL "AMERICANS  
5 WITH DISABILITIES ACT OF 1990", AS AMENDED, 42 U.S.C. SEC. 12111 ET  
6 SEQ.; AND THE FEDERAL "CIVIL RIGHTS ACT OF 1991", AS AMENDED, 42  
7 U.S.C. SEC. 1981a."

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