



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

House: COM DP 10-0-0-0

HB 2045: civil rights; amendments

Sponsor: Representative Weninger, LD 17

House Engrossed

Overview

Codifies statute to federal law regarding the terms *because of sex* and *on the basis of sex*.

History

The Civil Rights Division of the Attorney General's Office administers and enforces civil rights statutes relating to voting rights, employment, public accommodations and fair housing.

Pursuant to [A.R.S. § 41-1463](#), it is unlawful for an employer to discriminate against any individual with respect to employment because of the individual's race, color, religion, sex, age, national origin or on the basis of disability.

Federal law outlines actions that constitute an unlawful employment practice ([42 U.S.C. § 2000e](#)). Further, federal law notes: The terms "because of sex" or "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, childbirth or related medical conditions; and women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.

Provisions

1. Increases the amount of time a person has, after receiving a subpoena requiring the person to produce any evidence in their possession or control, to petition the Attorney General (AG) to revoke, limit or modify the subpoena from 5 days to 14 days. (Sec. 1)
2. Specifies the terms *because of sex* and *on the basis of sex* as used in the discrimination of employment statutes includes "because of or on the basis of pregnancy or childbirth or related medical conditions." (Sec. 3)
3. Asserts women who are affected by pregnancy, childbirth or related medical conditions must be treated the same for all employment-related purposes as others that are not so affected but similar in their ability or inability to work.
 - a) Adds an employer may not differentiate wages or compensation for women who are affected by pregnancy, childbirth or related medical conditions. (Sec. 4)
4. Specifies an employee or an individual in an apprenticeship or other training or retraining program may not be discriminated against for:
 - a) Opposing an unlawful employment practice; or
 - b) Making a charge, testifying, assisting or participating in an employment discrimination investigation, proceeding or hearing. (Sec.5)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

5. Removes the 90-day timeframe for a charging party to a civil action after the AG's notice that the charge was dismissed or has not filed a civil action or entered into a conciliation agreement. (Sec. 6)
6. Permits, rather than requires, the AG to file a civil action if a conciliation agreement is not reached within 30 days after the AG has determined that reasonable cause exists to believe laws have been violated. (Sec. 7)
7. Makes technical and conforming changes.