HUMAN RIGHTS COMMISSION

MEMO

Date: March 12, 2013

To: Mayor Bob McDavid and City Council Members

Cc: Mike Matthes, City Manager

Steve Hollis, Human Services Manager

From: Scott Dean, Chair

The City of Columbia Human Rights Commission

Re: House Bill 320 and Senate Bill 353

I am writing to you on behalf of the City of Columbia's Human Rights Commission regarding House Bill 320 and Senate Bill 353 (2013). We would like to make you aware of the possible ramifications to Human Rights cases if these bills are enacted.

The proposed legislation would require plaintiffs to prove that discrimination was the motivating factor in discrimination cases. This changes the current standard that allows for claims of disparate impact and only requires discrimination to be a contributing factor. This is a much stricter standard than is currently required and according to HUD and EEOC, could create a loss of substantial equivalence between state and federal laws. If this happens, the state commission on human rights stands to lose 70% of their funding.

As a result, the burden of investigation could be shifted to the local governments which have human rights ordinances, such as the City of Columbia. This would be problematic for two reasons. First, municipalities have no ability to order individualized remedy for cases of discrimination. Secondly, this would place further strain on local resources which are already stretched thin.

Finally, the bill at issue creates new whistleblower protections, which while admirable and necessary, limits the whistleblower coverage and remedies available to them.

We realize the legislation taken as a whole contains some pieces that would protect the city from damages. However, in light of the potential ramifications to human rights protections in our community, we respectfully ask the council to formally oppose this legislation. Thank you.

Web Page: www.GoColumbiaMo.com (Search: Human Rights)