

FIRST REGULAR SESSION

HOUSE BILL NO. 1183

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZWATER.

2345H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 213, RSMo, by adding thereto one new section relating to unpaid interns.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 213, RSMo, is amended by adding thereto one new section, to be known as section 213.056, to read as follows:

213.056. 1. As used in this section, the following terms mean:

(1) "Sexual harassment", an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

(a) Submission to the advance, request, or conduct is made a term or condition of an individual's internship, either explicitly or implicitly;

(b) Submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision affecting the individual's internship;

(c) The advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance at the individual's internship; or

(d) The advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment;

(2) "Unpaid intern", a person who performs work for an employer under the following circumstances:

(a) The employer is not committed to hiring the person performing the work at the conclusion of the person's tenure;

(b) The employer and the person performing the work agree that the person is not entitled to wages for the work performed; and

(c) The work performed:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 19 **a. Supplements training given in an educational environment that may enhance the**
20 **employability of the intern;**
- 21 **b. Provides experience for the benefit of the person performing the work;**
- 22 **c. Does not displace regular employees;**
- 23 **d. Is performed under the close supervision of existing staff; and**
- 24 **e. Provides no immediate advantage to the employer providing the training and**
25 **may occasionally impede the operations of the employer.**
- 26 **2. (1) In addition to the provisions of section 213.055, an employer commits an**
27 **unlawful employment practice if sexual harassment of an unpaid intern occurs and the**
28 **employer or the employer's agents or supervisors:**
- 29 **(a) Know or should reasonably know that conduct constituting sexual harassment**
30 **is occurring; and**
- 31 **(b) Fail to take immediate and appropriate corrective action.**
- 32 **(2) An elected public official may be considered an employer under subdivision (1)**
33 **of this subsection, and such an official shall be personally liable, in his or her individual**
34 **capacity, for violations of this subsection.**
- 35 **3. Notwithstanding any provision of law to the contrary, any defense of sovereign**
36 **immunity, official immunity, or legislative immunity shall be waived in any civil action**
37 **relating to an unlawful employment practice described under subsection 2 of this section.**

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