

SB 117

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

SENATE BILL NO. 117

(By Senators Ross, Anderson, Plymale
and Dalton)



PASSED March 9, 1994

In Effect fray Passage

E N R O L L E D

Senate Bill No. 117

(BY SENATORS ROSS, ANDERSON, PLYMALE AND DALTON)

[Passed March 9, 1994; in effect from passage.]

AN ACT to amend and reenact section three, article eleven, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to limiting those rights, remedies and requirements relating to discrimination by proprietors and others of penitentiaries, correctional facilities, regional jails and county jails to employees of such facilities, employees of law-enforcement agencies and visitors to such facilities or employees; and including domestic employees within the definition of employee generally.

Be it enacted by the Legislature of West Virginia:

That section three, article eleven, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 11. HUMAN RIGHTS COMMISSION.

§5-11-3. Definitions.

- 1 When used in this article:
- 2 (a) The term "person" means one or more individ-
- 3 uals, partnerships, associations, organizations, corpora-
- 4 tions, labor organizations, cooperatives, legal represen-
- 5 tatives, trustees, trustees in bankruptcy, receivers and

6 other organized groups of persons;

7 (b) The term "commission" means the West Virginia
8 human rights commission;

9 (c) The term "director" means the executive direc-
10 tor of the commission;

11 (d) The term "employer" means the state, or any
12 political subdivision thereof, and any person employ-
13 ing twelve or more persons within the state: *Provided*,
14 That such terms shall not be taken, understood or
15 construed to include a private club;

16 (e) The term "employee" shall not include any
17 individual employed by his parents, spouse or child;

18 (f) The term "labor organization" includes any
19 organization which exists for the purpose, in whole or
20 in part, for collective bargaining or for dealing with
21 employers concerning grievances, terms or conditions
22 of employment or for other mutual aid or protection
23 in relation to employment;

24 (g) The term "employment agency" includes any
25 person undertaking with or without compensation to
26 procure, recruit, refer or place employees. A newspa-
27 per engaged in the activity of advertising in the
28 normal course of its business shall not be deemed to be
29 an employment agency;

30 (h) The term "discriminate" or "discrimination"
31 means to exclude from, or fail or refuse to extend to,
32 a person equal opportunities because of race, religion,
33 color, national origin, ancestry, sex, age, blindness,
34 handicap or familial status and includes to separate or
35 segregate;

36 (i) The term "unlawful discriminatory practices"
37 includes only those practices specified in section nine
38 of this article;

39 (j) The term "place of public accommodations"
40 means any establishment or person, as defined herein,
41 including the state, or any political or civil subdivision
42 thereof, which offers its services, goods, facilities or
43 accommodations to the general public, but shall not

44 include any accommodations which are in their nature
45 private. To the extent that any penitentiary, correc-
46 tional facility, detention center, regional jail or county
47 jail is a place of public accommodation, the rights,
48 remedies and requirements provided by this article for
49 any violation of subdivision (6), section nine of this
50 article shall not apply to any person other than: (1)
51 Any person employed at a penitentiary, correctional
52 facility, detention center, regional jail or county jail;
53 (2) any person employed by a law enforcement agency;
54 or (3) any person visiting any such employee or
55 visiting any person detained in custody at such facility;

56 (k) The term "age" means the age of forty or above;

57 (l) For the purpose of this article, a person shall be
58 considered to be blind only if his central visual acuity
59 does not exceed twenty/two hundred in the better eye
60 with correcting lenses, or if his visual acuity is greater
61 than twenty/two hundred but is occasioned by a
62 limitation in the fields of vision such that the widest
63 diameter of the visual field subtends an angle no
64 greater than twenty degrees; and

65 (m) The term "handicap" means a person who:

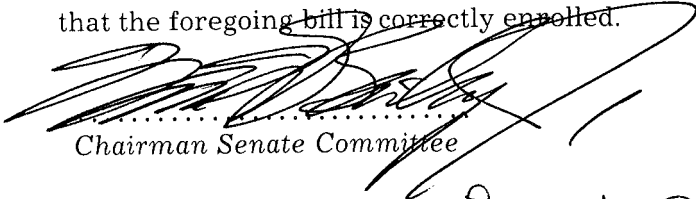
66 (1) Has a mental or physical impairment which
67 substantially limits one or more of such person's
68 major life activities. The term "major life activities"
69 includes functions such as caring for one's self,
70 performing manual tasks, walking, seeing, hearing,
71 speaking, breathing, learning and working;

72 (2) Has a record of such impairment; or

73 (3) Is regarded as having such an impairment.

74 For the purposes of this article, this term does not
75 include persons whose current use of or addiction to
76 alcohol or drugs prevents such individual from per-
77 forming the duties of the job in question or whose
78 employment, by reason of such current alcohol or
79 drug abuse, would constitute a direct threat to proper-
80 ty or the safety of others.

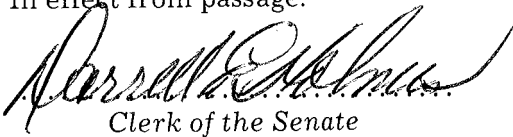
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

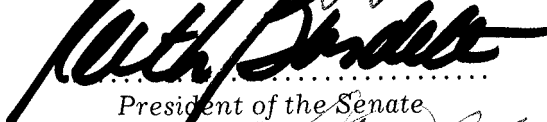

..... Ernest E. Moore
Chairman House Committee


Originated in the Senate.

In effect from passage.


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Clerk of the Senate

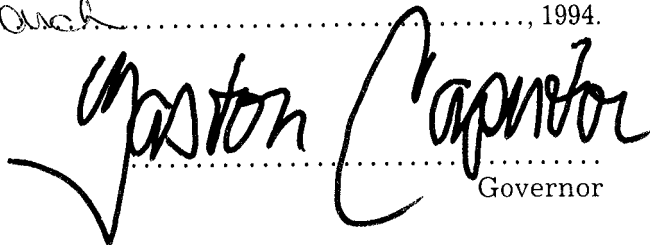

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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 25th

day of March, 1994.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/15/94

Time 3:00pm