

**Title 8—DEPARTMENT OF
LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 3—Guidelines and Interpretations of Employment Anti-Discrimination Laws**

PROPOSED AMENDMENT

8 CSR 60-3.060 Handicap Discrimination in Employment. The commission proposes to rescind subsections (2)(B), (2)(C) and (2)(D).

PURPOSE: This amendment eliminates all language which is contrary to the Americans With Disabilities Act.

(2) Preemployment Inquiries.

[(B) An employer, labor organization or employment agency may conduct pre-employment medical examinations relating to minimum physical standards for employment provided that—

- 1. All applicants for which the medical examination is required are subjected to the examination regardless of physical or mental impairment;*
- 2. The minimum physical standards for employment are related to the person's ability to perform the essential functions of employment for which the person has applied; and*
- 3. These medical examination results are given the same consideration in employment decisions for all applicants regardless of physical or mental impairment.*

(C) Medical exams and other assessments shall take into account the degree to which the person has compensated for his/her limitations and the rehabilitation services s/he has received.

(D) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be accorded confidentiality as medical records, except that—

- 1. Supervisors and managers may be informed regarding restriction on the work or duties of handicapped persons and regarding necessary accommodations;*
- 2. First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and*
- 3. The commission shall be provided relevant information upon request when investigating compliance with Chapter 213, RSMo (1986).]*

AUTHORITY: section 213.030(6), RSMo [1986] 2016. This rule was previously filed as 4 CSR 180-3.060. Original rule filed July 1, 1980, effective Nov. 13, 1980. Amended: Filed April 27, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Commission on Human Rights, Attn: Dr. Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*