

**161—8.2(216) Bona fide occupational qualifications.**

**8.2(1)** An employer, employment agency, or labor organization may take action otherwise prohibited under commission rules where the protected basis is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business.

**8.2(2)** Bona fide occupational qualifications are narrow in scope and do not include convenience or an employer's preferences.

**8.2(3)** An employer or employment agency's following of federal or state statutes or regulations establishing employment standards is not illegal discrimination when the standards are bona fide occupational qualifications.

**8.2(4)** A bona fide occupational qualification will also be recognized where there exist special, individual occupational circumstances such as acting or modeling.

**8.2(5)** Bona fide occupational qualifications do not include assumptions about a protected basis, comparative characteristics of a protected basis, and stereotypes based on a protected basis.

**8.2(6)** No publication shall advertise employment opportunities containing any indication of a preference, limitation, or restriction based upon age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability, unless there is a bona fide occupational qualification.

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