

Discussion of Non-Discrimination and Human Relations Commission Council Item of Special Interest Report

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City Council Workshop

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Anti-Discrimination Laws

Federal Law

- 50-year history of expanding protection against discrimination based on protected class status (race, color, religion, sex, national origin, age, and disability) in employment, fair housing, voting and public accommodation.
- Most recent expansion prohibits discrimination based on new definition of “sex” which includes gender identity and sexual orientation.
- Applies only to federal government as an employer and to its contractors.
- Employment Non-Discrimination Act would extend prohibition against discrimination to LGBTQ workers in all U.S. businesses larger than 15 employees if passed by Congress.

Anti-Discrimination Laws

State Law

- Arizona law does prohibit discrimination based on race, color, religion, sex, age, national origin, ancestry, disability and family status for housing, employment, voting and in places of public accommodation. (A.R.S. § 41-1401, et seq.)
- Currently, no State law prohibiting private businesses or citizens from discrimination based on sexual orientation, gender identity, genetic characteristics, marital or veteran status.
- However, the State cannot discriminate in its own employee hiring and firing practices based solely on a person's sexual orientation. (Governor's Executive Order 2003-22).
- Arizona's gay marriage ban ruled unconstitutional on October 17, 2014.

Municipal Anti-Discrimination Ordinances

Phoenix, Tucson, Flagstaff and Tempe

- All four prohibit discrimination by City contractors and vendors.
- All four prohibit **outside** employers, labor organizations, owners/operators of places of public accommodation, and owners/lessors of dwellings from discrimination based on gender identity, sexual orientation, and age.
- All exempt religious organizations, private/social clubs and private landlords.
- All offer mediation as a first step in resolving complaints; penalties vary.
- Three exempt “small” businesses, although definition differs.
- Three add protections for marital/familial status; two protect veteran status.
- Two exempt “expressive organizations” like Boy Scouts.
- Different approaches on who investigates and enforces

Municipal Anti-Discrimination Ordinances

- Tempe voters also approved change to the city charter expanding anti-discrimination protections for city workers.
- Other AZ Cities recognize domestic partnerships/civil unions, offer domestic partner benefits, or are exploring the adoption of an anti-discrimination ordinance: **Scottsdale, Chandler, Gilbert, Surprise, Sedona, Jerome, and Bisbee.**
- More than **200** cities and counties nationwide have adopted an anti-discrimination ordinance.

Glendale Policy and Practice

- Benefits and leave to ALL married couples.
- Non-discrimination in employment practices and benefits extends to:
 - Sexual orientation
 - Genetic characteristics
 - Gender identity
 - Marital and Familial status
 - Veteran status
- No current written policy, statement, or ordinance.
- Draft internal administrative policy changes will be presented to Personnel Board

Municipal Equality Index (MEI)

- Developed by the Human Rights Campaign
- Municipal rating index based on:
 - Laws
 - Policies
 - Progress
- 2014 Perfect Scores
 - Phoenix
 - Tempe
 - Tucson
- 2014 Glendale
 - 36 out of 100 (+23 points from 2013)

Benchmarked Cities Researched

- Flagstaff, Phoenix, Tucson, Tempe, and Scottsdale
- Driven by City Council and Community Leaders
- Up to 6 month timeframe for study and implementation
- Diversity Office or Commission led initiatives
- Consultants were generally not utilized
- Develop public participation/feedback mechanism
- Include business community and chamber

Council Consideration

Potential Options:

- No action
- Option A: UNITY Pledge
- Option B: Adopt an ordinance
 1. City Contractors, Vendors, Suppliers, etc.
 2. All employers doing business in Glendale.
- Option C: Voter approved City Charter Amendment

No Action

- No formal Council action required.
- City's internal anti-discrimination employment practices will be codified as part of City's administrative policies.
- City's policies will expand employment protections based on sexual orientation, gender identity, genetic characteristics, marital, familial and veteran status.
- No budgetary considerations.

Option A – UNITY Pledge

- UNITY Pledge was created by ONE Community to encourage diversity in Arizona
- Does not require Glendale private businesses to participate.
- 1,100 Arizona businesses have already taken the pledge
 - Glendale CVB
 - Glendale Chamber of Commerce
 - 32 Glendale Businesses
- Stand-alone, immediate option; could sign UNITY Pledge regardless of any other future action.
- Staff could bring this forward to a future voting meeting.
- No budgetary considerations.

Option B – City Ordinance

Need direction from Council on whether to adopt Ordinance or just change City Policy on how we do business with City contractors or vendors. If Council wants to adopt an Ordinance, applies to:

1. City contractors, vendors and suppliers only; or
 2. All employers doing business in Glendale?
- Who is Protected: Sexual orientation, gender identity, genetic characteristics, marital status, familial status, veteran status?
 - Who is Exempt: Religious Organizations, Small Businesses, Private Clubs, “Expressive” Associations, Others?
 - Procedures for complaint filing, investigation, and penalties?
 - Who Reviews and Decides Complaints- New Human Relations Commission, City Department, or new staff positions?
 - May be budgetary considerations depending on options selected.

Option C – City Charter Amendment

- Citizens decide whether Anti-Discrimination Ordinance applies to all persons/entities doing business in the City.
- Same considerations as designing an ordinance: Applicability, Classes Protected, Exemptions, Complaint Procedure and Reviewing Body.
- Requires budget allocation and ongoing enforcement

Questions/Direction

- Direction on options presented or any combination thereof
- Council suggestions/options for future workshop study
- Options menu:
 - No action
 - Option A: Does Council want to sign the UNITY Pledge?
 - Option B: Does the Council want to adopt an ordinance?
 1. If so, applies to City and its Contractors and/or
 2. All employers in the City of Glendale?
 - Option C: Does the Council want to send this issue to the voters through a City Charter Amendment?