

#20

2451

13-0-3317
13-0-1183

Kwanza Han

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

AN ORDINANCE *Carla Smith*
Alex Wan
BY: COUNCIL MEMBER ALEX WAN

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO INSERT THE WORDS "GENDER IDENTITY" IN ALL CODE SECTIONS REFERENCING NON-DISCRIMINATION AND LISTING THE BASES UPON WHICH DISCRIMINATION IS PROHIBITED, INCLUDING, WITHOUT LIMITATION: CHAPTER 2, SECTIONS 228, and 221; CHAPTER 14, SECTIONS 51, 52, 77, 121, 166 AND 452; AND CHAPTER 10, SECTION 225; AND FOR OTHER PURPOSES.

Committee *Fin/Exec*
Date *7/10/13*
Chair *Jelicia Morris*
Action *Fav*
Fav, Adv, Hold (see rev. side)
Other
Members *Quincy Adams, Y. Audubon, J. Adams, Alex Wan*
Refer To

Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members
Refer To

CERTIFIED
JUL 15 2013
ATLANTA CITY COUNCIL PRESIDENT
W. Smith

CERTIFIED
JUL 15 2013
Rhonda Daughlin Johnson
MUNICIPAL CLERK

- CONSENT REFER
 - REGULAR REPORT REFER
 - ADVERTISE & REFER
 - 1ST ADOPT 2ND READ & REFER
 - PERSONAL PAPER REFER
- Date Referred: *7/1/13*
Referred To: *Finance/Exec*
Date Referred:
Referred To:
Date Referred:
Referred To:

Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members
ADOPTED BY
JUL 15 2013
COUNCIL
Refer To

Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members
Refer To

MAYOR'S ACTION
APPROVED
JUL 15 2013
Tommy Spivey
MAYOR



AN ORDINANCE

BY: COUNCILMEMBER ALEX WAN

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO INSERT THE WORDS "GENDER IDENTITY" IN ALL CODE SECTIONS REFERENCING NON-DISCRIMINATION AND LISTING THE BASES UPON WHICH DISCRIMINATION IS PROHIBITED, INCLUDING, WITHOUT LIMITATION: CHAPTER 2, SECTIONS 228, and 221; CHAPTER 14, SECTIONS 51, 52, 77, 121, 166 AND 452; AND CHAPTER 10, SECTION 225; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") has a rich history in the civil rights movement and is rightfully considered one of the most progressive cities in the country regarding its policies ensuring equal rights for all its citizens; and

WHEREAS, it is the policy of the City of Atlanta that there shall be no discrimination among persons because of race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation, gender identity or racial profiling, as expressed in the City of Atlanta Bill of Rights, Subpart A of the City Charter, and more fully set forth in various non-discrimination and human rights ordinances throughout the City of Atlanta Code of Ordinances (the "Code"; and the specific laws set forth therein, the "Ordinances"); and

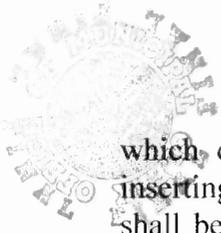
WHEREAS, consistent with this policy, the majority of the City's non-discrimination and human rights Ordinances have previously been amended to specify gender identity as one of the bases upon which the City will not tolerate discrimination; and

WHEREAS, through inadvertence, several Code provisions referencing the City's non-discrimination policy were not amended to specify gender identity as one of the bases upon which discrimination is forbidden; and

WHEREAS, it is in the best interest of the City to amend all such Ordinances to include the phrase "gender identity" in order to ensure that the non-discrimination policy is reflected in a consistent manner throughout the Code and applied in a consistent manner throughout the City.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

SECTION 1: All Code sections referencing non-discrimination and enumerating the bases upon



which discrimination is prohibited, but which omit gender identity, shall be amended by inserting the phrase “gender identity,” after the phrase “sexual orientation.” This amendment shall be made to all such non-discrimination sections throughout the Code, including, without limitation, those specifically enumerated in Sections 2 through 5 below.

SECTION 2: Code Section 2-228 of the Code of Ordinances entitled “Additional Duties of Commissioner of Department of Human Resources”, which currently reads:

In addition to the duties related to the administration of the department, the commissioner of human resources shall also provide direction for: ...

(9) Ensuring that City of Atlanta employment policies and practices provide equal opportunity for all qualified persons regardless of race, sex, sexual orientation, age, creed, color, national origin or disability; and

shall be amended by deleting subsection 2-228(9) in its entirety and inserting the following in its place:

(9) Ensuring that City of Atlanta employment policies and practices provide equal opportunity for all qualified persons regardless of race, sex, sexual orientation, gender identity, age, creed, color, national origin or disability;

SECTION 3: Code Section 2-2211(d) of the Code of Ordinances entitled Powers and Duties of the Citizen Review Board, which currently reads:

(d) The board may initiate studies upon request to the board by any member of the public or the police department and the department of corrections, or at the board's own discretion. The board may review specific complaints or incidents of misconduct against individual police officers; including those involving language related to race, ethnicity, religion, gender, sexual orientation or disability.

shall be amended by deleting subsection 2-2211(d) and inserting the following in lieu thereof:

(d) The board may initiate studies upon request to the board by any member of the public or the police department and the department of corrections, or at the board's own discretion. The board may review specific complaints or incidents of misconduct against individual police officers; including those involving language related to race, ethnicity, religion, gender, sexual orientation, gender identity, or disability.

SECTION 4: Subsection (d) of Code Section 10-225 (requiring Alcoholic Beverage licensees to post signage concerning Proof of Age) which currently reads:

(d) A licensee subject to subsection (a) of this section shall prominently display,



unobstructed in a place clearly visible at the point of entry, a sign with the following notice verbatim:

PROOF OF AGE REQUIREMENT: YOU MAY BE REQUESTED TO SHOW *NO MORE THAN ONE* CURRENTLY VALID PICTURE IDENTIFICATION WITH NAME AND DATE AFFIXED AS ISSUED BY ANY AGENCY OF GOVERNMENT. MORE THAN ONE IDENTIFICATION *MAY BE REQUESTED*, IF NO VALID PICTURE IDENTIFICATION IS PRESENTED.

IT IS UNLAWFUL FOR THIS ESTABLISHMENT TO DISCRIMINATE IN ADMISSION TO THESE PREMISES OR IN THE SALE OF PRODUCTS ON ACCOUNT OF A PERSON'S RACE, SEX, SEXUAL ORIENTATION OR NATIONAL ORIGIN.

IF YOU BELIEVE THAT THIS LAW HAS BEEN VIOLATED CALL OR WRITE THE PERMITS SECTION OF THE ATLANTA DEPARTMENT OF POLICE, 175 DECATUR STREET, S.E., ATLANTA, GEORGIA 30303.

Be amended by inserting the words "gender identity" in the second-to-last sentence so that the amended subsection (d) shall read:

(d) A licensee subject to subsection (a) of this section shall prominently display, unobstructed in a place clearly visible at the point of entry, a sign with the following notice verbatim:

PROOF OF AGE REQUIREMENT: YOU MAY BE REQUESTED TO SHOW *NO MORE THAN ONE* CURRENTLY VALID PICTURE IDENTIFICATION WITH NAME AND DATE AFFIXED AS ISSUED BY ANY AGENCY OF GOVERNMENT. MORE THAN ONE IDENTIFICATION *MAY BE REQUESTED*, IF NO VALID PICTURE IDENTIFICATION IS PRESENTED.

IT IS UNLAWFUL FOR THIS ESTABLISHMENT TO DISCRIMINATE IN ADMISSION TO THESE PREMISES OR IN THE SALE OF PRODUCTS ON ACCOUNT OF A PERSON'S RACE, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, OR NATIONAL ORIGIN.

IF YOU BELIEVE THAT THIS LAW HAS BEEN VIOLATED CALL OR WRITE THE PERMITS SECTION OF THE ATLANTA DEPARTMENT OF POLICE, 175 DECATUR STREET, S.E., ATLANTA, GEORGIA 30303.

SECTION 5: That Chapter 114 of the Code of Ordinances, Personnel, be amended as follows:



Subsection 5-A: Code Section 114-51, Equal Employment Opportunity Statement of Policy, which currently reads:

It is the policy of the mayor and city council to provide equal employment opportunity in city government for all qualified persons; to prohibit discrimination in employment because of race, color, religion, age, disability, sex, sexual orientation, veteran's status or national origin; and to promote the full realization of equal employment opportunity through a positive, continuing program in each department and agency of the city government. The policy of equal opportunity applies to every aspect of city employment, policy and practice.

Be amended to read:

It is the policy of the mayor and city council to provide equal employment opportunity in city government for all qualified persons; to prohibit discrimination in employment because of race, color, religion, age, disability, sex, sexual orientation, gender identity, veteran's status or national origin; and to promote the full realization of equal employment opportunity through a positive, continuing program in each department and agency of the city government. The policy of equal opportunity applies to every aspect of city employment, policy and practice.

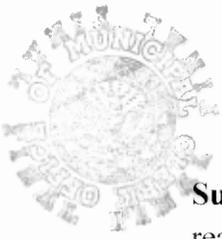
Subsection 5-B: Subsection (b) of Code Section 114-52, Equal Employment Opportunity Program for City Departments and Agencies, which currently reads:

Duties of mayor. The mayor, upon the advice and guidance of the women's advisory council, civil service board and other individuals, groups or organizations as may be of assistance in realizing the objectives of this article, shall facilitate, supervise, monitor and evaluate achievement of a model program for equal employment opportunity in city government, including but not limited to the following objectives:

- (1) Review job qualifications, specifications and descriptions to ensure that the requirements do not discriminate on the basis of race, color, religion, sex, sexual orientation, veteran's status or national origin and are a factual reflection of the needs of each job classification in city government.

Be amended by deleting subsection (1) and inserting the following in its place:

- (1) Review job qualifications, specifications and descriptions to ensure that the requirements do not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, veteran's status or national origin and are a factual reflection of the needs of each job classification in city government.



Subsection 5-C: Code Section 114-77 (Personnel -- General Purpose), which currently reads as follows:

The general purpose of this article is to establish a system of sound personnel administration for the city that provides for the recruitment, selection, development and retention of an effective work force of capable, diligent and honest career employees. This system shall include policies for employee hiring and advancement, training, career development and safety, position classification and salary administration, effective utilization of personnel and employee performance evaluation, employee relations and the disposition of employee grievances, discipline, discharge and related activities. It shall be the purpose of this article to establish a system in which all personnel matters shall be determined solely on the basis of merit and qualifications, without regard to race, color, sex, national origin, political affiliation, religion, sexual orientation or disability.

Be amended by deleting the last sentence and inserting in its place the following:

It shall be the purpose of this article to establish a system in which all personnel matters shall be determined solely on the basis of merit and qualifications, without regard to race, color, sex, national origin, political affiliation, religion, sexual orientation, gender identity, or disability.

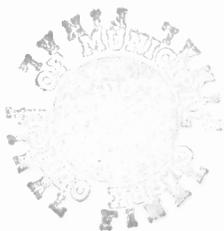
Subsection 5-D: Subsection (b) of Code Section 114 -121 (Compensation policy), which currently reads:

(b) Compensation shall be applied in balance with fairness and equitable treatment of all employees regardless of race, age, gender, disability or sexual orientation, and shall be in accordance with equal employment opportunity (EEO) regulations

Be amended by deleting subsection (b) and replacing it with the following:

(b) Compensation shall be applied in balance with fairness and equitable treatment of all employees regardless of race, age, gender, disability, sexual orientation, or gender identity, and shall be in accordance with equal employment opportunity (EEO) regulations.

Subsection 5-E: Subsection (a) of Code Section 114-166 (Equal Opportunity and Nondiscrimination), which currently reads:



(a) It shall be the policy of the city to guarantee equal opportunity to all applicants and to all employees. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspect of personnel administration because of political or religious opinions or affiliations or because of race, color, religion, age, disability, sex, sexual orientation and national origin, or other nonmerit factors shall be prohibited. Discrimination on the basis of age, sex or disability shall be prohibited, except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration.

Be amended to read:

(a) It shall be the policy of the city to guarantee equal opportunity to all applicants and to all employees. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspect of personnel administration because of political or religious opinions or affiliations or because of race, color, religion, age, disability, sex, sexual orientation, gender identity, national origin, or other nonmerit factors shall be prohibited. Discrimination on the basis of age, sex or disability shall be prohibited, except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration.

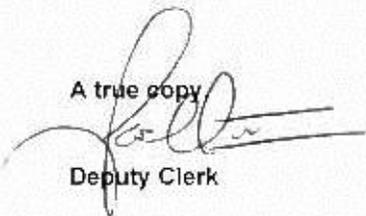
Subsection 5-F: Subsection (5) of Code Section 114-452 (Administration of Employee Development), which currently reads:

The commissioner of human resources shall perform the following functions:

(5) Ensure that all development opportunities and programs are provided to all employees without regard to political affiliation, race, color, national origin, disability, age, sexual orientation, gender or religious creed.

.Be amended by deleting subsection (5) and replacing it with the following:

(5) Ensure that all development opportunities and programs are provided to all employees without regard to political affiliation, race, color, national origin, disability, age, gender, sexual orientation, gender identity, or religious creed.

A true copy

Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

JUL 15, 2013
JUL 16, 2013