

**CHART REGARDING NONDISCRIMINATION IN PUBLIC ACCOMMODATIONS
AND NONDISCRIMINATION IN EMPLOYMENT ORDINANCES-06/07/2021**

Draft Ordinance Provision	Title-Article V	Description
38-119	Nondiscrimination in Public Accommodations Ordinance	<ul style="list-style-type: none"> Provides a title for said ordinance.
38-119.1	Declaration of policy and purpose	<ul style="list-style-type: none"> Uses licensing and police power as authority for said ordinance which prohibits discriminatory practices in places of public accommodation. Prohibits discrimination in public accommodations.
38-119.2	Definitions	<ul style="list-style-type: none"> Defines such terms as aggrieved person, the classifications protected by the ordinance such as sexual orientation, gender identity, gender expression, familial status, and protected hairstyle.
38-119.3	Prohibited acts	<ul style="list-style-type: none"> It shall be prohibited and a violation of Article V for any place of public accommodation to deny or publish any statement, advertisement or sign that indicates it will deny any person full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations because of or based upon race, color, religion, national origin, ethnicity, color creed, sex, sexual orientation, gender identity or gender expression, protected hairstyles, pregnancy, disability, age, veteran status, marital status, familial status or political affiliation.

38-119.4	Applicability and Exemptions	<ul style="list-style-type: none"> • This article does not apply to or address access to multiple occupancy restrooms, showers or changing facilities. • This article does not apply to a private club or other establishment not in fact open to the public. • The exemptions and defenses set forth in Section 38-120.7 shall apply to this article.
38-119.5	Filing a complaint	<ul style="list-style-type: none"> • Aggrieved persons may file a written complaint with the Human Relations Department within sixty (60) days after the alleged violation occurred. • Human Relations Director or the director's designee shall investigate the complaint.
38-119.6	Initial investigation and review; conciliation.	<ul style="list-style-type: none"> • Within sixty (60) days after filing, unless there are extenuating circumstances, the Human Relations Director shall determine if there is reasonable cause to believe that a violation has occurred. • If cause is found, conciliation will be attempted. If cause is not found, complainant may appeal to the HRC hearing board.
38-119.7	No cause finding by Human Relations Director; appeal to hearing board.	<ul style="list-style-type: none"> • If no cause is found by the Director, complainant may appeal to the HRC hearing board which shall complete its review of the matter within thirty (30) days after the appeal is filed unless there are extenuating circumstances. It is a review of the record prepared by the Human Relations Director.
38-119.8	Hearing election	<ul style="list-style-type: none"> • The parties may elect to have a hearing before the HRC hearing board. • If a conciliation agreement has not been negotiated, the hearing board may refer the matter to the city attorney pursuant to Sec. 38-119.15.

38-119.9	Failure to cooperate; power of investigation	<ul style="list-style-type: none"> • Since it does not appear city council has the authority to bestow subpoena power upon a city board or the power to compel production of evidence, then city council may be called upon to exercise its authority set forth in G.S. 160A-80. • City council may subpoena witnesses or compel production of evidence if either the complainant or respondent fails to cooperate with the investigation of the Human Relations Department.
38-119.10	Public Records	<ul style="list-style-type: none"> • Unless otherwise provided by federal or state law, the records created under this article will be a public record.
38-119.11	Interpretation and effect	<ul style="list-style-type: none"> • This article is not intended to conflict with federal or state law. • This article does not create a private cause of action.
38-119.12	State and Federal Laws	<ul style="list-style-type: none"> • This article does not limit any remedies available under state or federal law.
38-119.13	Severability	<ul style="list-style-type: none"> • If any section is determined to be unconstitutional, said ruling does not impact the remaining provisions in the ordinance which shall remain in full force and effect.
38-119.14	Education and outreach	<ul style="list-style-type: none"> • The Human Relations Department may engage in education and outreach regarding said ordinance.
38-119.15	Other remedies	<ul style="list-style-type: none"> • Effective January 1, 2022, the city attorney may pursue injunctive relief and other civil (not criminal) relief for any reasonable cause finding that does not result in a conciliation agreement.

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Draft Ordinance Provision	Title-Article VI	Description
38-120	Nondiscrimination in Employment Ordinance	<ul style="list-style-type: none"> • Provides a title for said ordinance.
38-120.1	Declaration of policy and purpose	<ul style="list-style-type: none"> • Cites licensing and police power as authority for said ordinance which prohibits discriminatory practices in employment. • Prohibits discrimination in employment.
38-120.2	Definitions	<ul style="list-style-type: none"> • Defines such terms as aggrieved person, the classifications protected by the ordinance such as sexual orientation, gender identity, gender expression, familial status, and protected hairstyle.
38-120.3	Employers; prohibited practices	<ul style="list-style-type: none"> • It shall be prohibited and a violation of Article VI for any employer to refuse to hire, to discharge or otherwise discriminate against an individual with respect to compensation or terms, conditions or privileges of employment because of or based upon race, color, religion, national origin, ethnicity, color, creed, sex, sexual orientation, gender identity or gender expression, protected hairstyles, pregnancy, disability, age, veteran status, marital status, familial status or political affiliation. • It is also a discriminatory practice and violation of this article to limit, segregate or classify an employee in way which would deprive or tend to deprive the individual of

		employment opportunities because of or based upon the aforementioned protected categories.
38-120.4	Employment agencies	<ul style="list-style-type: none"> • It is a discriminatory practice and violation of this article for an employment agency to fail or refuse to refer for employment or otherwise discriminate against an individual because or based upon the protected categories.
38-120.5	Training programs	<ul style="list-style-type: none"> • It is discriminatory practice and violation of this article to discriminate in the employment in a program established as an apprenticeship or other training program because of or based upon any of the protected categories set forth in this article.
38-120.6	Other discriminatory practices	<ul style="list-style-type: none"> • It is a discriminatory practice and a violation of this article to for an employer or employment agency to print or publish an ad relating to employment indicating a preference or limitation, specification or discrimination because of or based upon any of the protected categories unless allowed by law such a as preference for veterans.
38-120.7	Exemptions and defenses	<ul style="list-style-type: none"> • This article does not apply to a religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with said entity. • This article does not apply to a religious educational institution or educational organization operated, supervised, or controlled by religious institution. • Exemptions for the terms of a bona fide seniority system or any bona fide employee benefit plan. • There are additional exemptions listed.

38-120.8	Filing a complaint	<ul style="list-style-type: none"> • Aggrieved persons may file a written complaint with the Human Relations Department within sixty (60) days after the alleged violation occurred. • Human Relations Director or the director's designee shall investigate the complaint.
38-120.9	Initial investigation and review; conciliation	<ul style="list-style-type: none"> • Within sixty (60) days after filing, unless there are extenuating circumstances, the Human Relations Director shall determine if there is reasonable cause to believe that a violation has occurred. • If cause is found, conciliation will be attempted. If cause is not found, complainant may appeal to the HRC hearing board.
38-120.10	No cause finding by Human Relations Director; appeal to hearing board.	<ul style="list-style-type: none"> • If no cause is found by the Director, complainant may appeal to the HRC hearing board which shall complete its review of the matter within thirty (30) days after the appeal is filed unless there are extenuating circumstances. It is a review of the record prepared by the Human Relations Director.
38-120.11	Hearing election	<ul style="list-style-type: none"> • The parties may elect to have a hearing before the HRC hearing board. • If a conciliation agreement has not been negotiated, the hearing board may refer the matter to the city attorney pursuant to Sec. 38-120.18.
38-120.12	Failure to cooperate; power of investigation	<ul style="list-style-type: none"> • Since it does not appear city council has the authority to bestow subpoena power upon a city board or the power to compel production of evidence, then city council may be called upon to exercise its authority set forth in G.S. 160A-80. • City council may subpoena witnesses or compel production of evidence if either the complainant or

		respondent fails to cooperate with the investigation of the Human Relations Department.
38-120.13	Public Records	<ul style="list-style-type: none"> • Unless otherwise provided by federal or state law, the records created under this chapter will be a public record.
38-120.14	Interpretation and effect.	<ul style="list-style-type: none"> • This article is not intended to conflict with federal or state law. • This article does not create a private cause of action.
38-120.15	State and Federal Laws	<ul style="list-style-type: none"> • This article does not limit any remedies available under state or federal law.
38-120.16	Severability	<ul style="list-style-type: none"> • If any section is determined to be unconstitutional, said ruling does not impact the remaining provisions in the ordinance which shall remain in full force and effect.
38-120.17	Education and outreach	<ul style="list-style-type: none"> • The Human Relations Department may engage in education and outreach regarding said ordinance.
38-120.18	Other remedies	<ul style="list-style-type: none"> • Effective January 1, 2022, the city attorney may pursue injunctive relief and other civil (not criminal) relief for any reasonable cause finding that does not result in a conciliation agreement.
Section 4.	Effective Date	<ul style="list-style-type: none"> • Both ordinances shall become effective within 60 days of adoption.