

Memorandum



City Attorney's Office

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TO: Mayor Pro Tem Denise Adams, Chair, CD/H/GG
FROM: Angela I. Carmon, City Attorney
DATE: March 10, 2021
SUBJECT: Update-Policy of Nondiscrimination, Amendment to the Personnel Resolution and Amendment to Fair Housing Ordinance
CC: Lee G. Garrity, City Manager
Tasha Logan Ford, Assistant City Manager
Wanda Allen –Abraha, Human Relations Director
Meridith Martin, Strategic Initiatives Administrator

Outline of revisions to prior NDO items (Policy Ordinance and CWS Personnel Resolution)

Following the discussion of the Nondiscrimination Ordinance and related documents at the February meeting of the CD/H/GG committee and input from council members and staff, I revised the draft Policy Ordinance and the Amendment to the CWS Personnel Resolution to include additional protected categories such as veteran status, ethnicity, marital status, familial status and protected hairstyles. Both documents have been revised to refer to the decision of the United States Supreme Court in the case of Bostock v. Clayton County, which broadened the prohibitions against discrimination based upon sex to include sexual orientation, gender identity and gender expression.

Additionally, the CWS Personnel Resolution has been revised to include a prohibition against bullying and to make it clear that an employee who is the subject of bullying may use the employee grievance process. The prohibition against sexual harassment in the CWS Personnel Resolution has been revised to make it clear that it is against city policy for any employee, regardless of gender or gender identification, to harass another employee.

Explanation of Additional items

The Nondiscrimination Ordinance (“NDO”) package now includes an additional item amending the City’s Fair Housing Ordinance codifying various court decisions including the aforementioned United States Supreme Court decision which broadened the prohibitions against discrimination based upon sex to include sexual orientation, gender identity and gender expression.



City Council: Mayor Allen Joines; Denise D. Adams, Mayor Pro Tempore, North Ward; Barbara Hanes Burke, Northeast Ward; Robert C. Clark, West Ward; John C. Larson, South Ward; Jeff MacIntosh, Northwest Ward; Kevin Mundy, Southwest Ward; Annette Scippio, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

The NDO package includes a chart that reflects, generally, the status of NDOs in other North Carolina cities and counties.

Pending Questions

There were additional questions about bidding and contract requirements. G.S. 160A-20.1(a) precludes cities from imposing certain requirements as a barrier to bidding on a public contract. This language, however, does not preclude the city from imposing, through various contract terms, nondiscrimination requirements on vendors, contractors, and grantees engaged in work for the city or receiving a grant from the city. I am currently working on additional nondiscrimination language to include in city contracts and grant agreements.

There were additional questions raised about operational enhancements that I anticipate having answers for shortly. In the meantime, I will continue with my research efforts relating to the issues of authority and enforcement.