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(ITEM) A resolution/ordinance by Supervisors Dimitrijevic, Johnson, Jr., Broderick, Rainey, and Bowen amending Chapters 1, 4, 15, 17, 23, 30, 33, 46, 56, 90, 107, and Appendix F, Article XVII of the Milwaukee County Code of General Ordinances by expanding and defining Milwaukee County’s non-discrimination policy to ensure equal opportunity to all persons from all segments of Milwaukee County in contracting, employment, and promotional opportunity and equal access to public services, by recommending adoption of the following:

A RESOLUTION/ORDINANCE

WHEREAS, the State of Wisconsin, as reported by the Legislative Reference Bureau in February 2008, has historically been a leader in equal employment opportunities and anti-discrimination; and

WHEREAS, the County of Milwaukee seeks to protect its citizens and visitors in the enjoyment of their civil rights by ensuring that everyone is free from discrimination and by promoting mutual understanding and respect among all who reside, visit, and work within the County; and

WHEREAS, it is in the general interest and welfare of Milwaukee County to promote a fair and open marketplace that attracts more diverse development opportunities; and

WHEREAS, despite the protections currently afforded for a person's sex, denial of civil rights based on gender identity or expression continues to occur; and

WHEREAS, denial of equal opportunity intensifies group conflict, undermines the foundations of our democratic society, and adversely affects the general welfare of the community; and

WHEREAS, the Milwaukee County Board of Supervisors is unified in its commitment to creating equal opportunities for all who reside, visit, and work within the County; now, therefore,

BE IT RESOLVED, the Milwaukee County Human Resources Director is authorized and directed to present to the Civil Service Commission a County Board recommendation to amend the Civil Service Rules to incorporate the following classes for protection from discrimination: sexual orientation, gender identity, and expression; and

BE IT FURTHER RESOLVED, to codify and define Milwaukee County’s non-discrimination policy, the Milwaukee County Board of Supervisors hereby amends Chapters 1, 4, 15, 17, 23, 30, 33, 46, 56, 90, 107, as well as Appendix F, Article XVII of the Milwaukee County Code of General Ordinances by adopting the following:

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AN ORDINANCE

The Milwaukee County Board of Supervisors ordains the following:

SECTION 1.

Chapter 1 of the Milwaukee County Code of General Ordinances, up to and including _____, is hereby amended as follows:

1.03. Opening of meeting.

(a) Call to order. At the hour of meeting, the chairperson of the county board, or in his/her absence the first vice-chairperson, or in his/her absence the second vice-chairperson, shall call the members to order and shall request all members present to rise for the pledge of allegiance and a moment of silent prayer and meditation. In case of the absence of the chairperson or vice-chairperson, the county board shall elect one (1) of its members temporary county board chairperson. The annual meeting shall be opened with an invocation offered by a member of the clergy selected in rotation without discrimination as to race, gender, sex, sexual orientation, gender identity and expression, creed, or religious affiliation, who shall serve without compensation. Regular meetings may be opened with an invocation.

SECTION 2.

Chapter 4, of the Milwaukee County Code of General Ordinances, up to and including _____, is hereby amended as follows:

4.21. Nondiscrimination.

Each air carrier and air transportation company operating at General Mitchell International Airport shall conduct its operation, maintenance, improvement and use of the property and facilities at the airport so that no person, on the grounds of race, color, sex, sexual orientation, gender identity and expression, ancestry or national origin, shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person, on the grounds of race, color, sex, sexual orientation, gender identity and expression, ancestry or national origin, shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination. Each air carrier and air transportation company shall use the premises in compliance with all other requirements imposed by or pursuant to title 49, Code of Federal Regulations, department of transportation, subtitle A, office of the secretary, part 21, nondiscrimination in federally assisted programs of the department of transportation - effectuation of title VI of the Civil Rights Act of 1964, and as said regulations may be amended.

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SECTION 3.

Chapter 15, of the Milwaukee County Code of General Ordinances, up to and including _____, is hereby amended as follows:

15.215. Investment of county funds.

(3) *Investments with firms conducting business activities in South Africa.* Whenever county funds are to be invested or deposited in the firms which do business in or with the Republic of South Africa, the county shall make reasonable efforts to place these deposits or investments in companies which have demonstrated a high level of social responsibility and bonds which fund infrastructure development, including water supply electrification and housing.

The investment firms doing business with the county should also be encouraged to adhere to the following guiding principles in their Republic of South Africa operations:

- (a) Eliminate discrimination based on race, religion, sex, sexual orientation, gender identity and expression, ~~physical handicap disability~~, or political opinion;

SECTION 4.

Chapter 17, of the Milwaukee County Code of General Ordinances, up to and including _____, is hereby amended as follows:

17.207. Grievance procedure.

(1) *Application; exceptions.* A grievance shall mean any controversy which exists as a result of an unsatisfactory adjustment or failure to adjust a claim or dispute by a non-represented employee or group of non-represented employees concerning the application of wage schedules and provisions relating to hours of work and working conditions and non-represented employees as well as students of county-operated or affiliated training programs or county employees in the unclassified service concerning discrimination based on race, sex, sexual orientation, gender identity and expression, age, ancestry or nationality, political or religious affiliation, creed, or ~~handicap disability~~. The grievance procedure shall not be used to change existing wage schedules, hours of work, working conditions, fringe benefits and position classifications established by ordinances and rules which are matters processed under existing procedures.

SECTION 5.

Chapter 23, of the Milwaukee County Code of General Ordinances, up to and including _____, is hereby amended as follows:

23.03. Public meetings.

133 (4) There shall be no discrimination because of race, religion, color, national origin or sex,
134 sexual orientation, or gender identity and expression in the utilization of county buildings
135 and facilities for governmental business, public meetings for free discussion of public
136 questions or for civil activities.

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138 **SECTION 6.**

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140 Chapter 30, of the Milwaukee County Code of General Ordinances, up to and
141 including _____, is hereby amended as follows:

142

143 **30.11. Discrimination prohibited.**

144 Section 111.322(2m), Wis. Stats., applies to any discriminatory acts arising in connection
145 with the filing of any complaint to enforce rights under this chapter. In addition to the
146 prohibited bases of discrimination in Section 111.321, Wis. Stats., discrimination is also
147 prohibited on the basis of gender identity and gender expression.

148

149 **SECTION 7.**

150

151 **33.01. Enactment.**

152 (1) *Legislative intent.* For the purpose of separating the personnel administrative functions
153 of the existing civil service commission from the quasijudicial functions vested in such
154 commission, and to assure that the discipline or discharge of county employees is not
155 influenced by political considerations, nepotism, personal friendship or animosity, race,
156 creed, color, ancestry or national origin, sex, sexual orientation, gender identity and
157 expression, physical handicap disability, age or representative status except as provided by
158 law, it is the intent of the county, acting under the authority of chapter 118, Laws of 1973,
159 relating to county reorganization, to establish a personnel review board, and to transfer the
160 duties and responsibilities as prescribed in ss. 63.10 and 63.12, Wis. Stats., as far as they
161 relate to the discipline and discharge of employees and all of the duties and responsibilities
162 prescribed in section 17.207 of the Code.

163

164 **SECTION 8.**

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166 Chapter 46, of the Milwaukee County Code of General Ordinances, up to and
167 including _____, is hereby amended as follows:

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169 **46.09. Purchase of care and services by the county.**

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171 (4)(d)(5) Provision that no qualified recipient is to be denied service or to be subjected to
172 unlawful discrimination because of race, color, creed, national origin, age, religion, sex,
173 sexual orientation, gender identity and expression, ~~handicap or other developmental~~
174 disability as defined in s. ~~55.01(2)-106.50~~, Wis. Stats.

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176 **SECTION 9.**

177 Chapter 56, of the Milwaukee County Code of General Ordinances, up to and
178 including _____, is hereby amended as follows:

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180 **56.17. Nondiscriminatory contracts.**

181 (1a) All contracts except those exclusions listed in paragraph (e) let by or on behalf
182 of the county, shall include the following provisions:

183 In the performance of work or execution of this contract, the contractor shall
184 not discriminate against any employee or applicant for employment because of race, color,
185 national origin or ancestry, age, sex, sexual orientation, gender identity and gender
186 expression, disability or handicap, marital status, family status, lawful source of income, or
187 status as a victim of domestic abuse, sexual assault or stalking, which shall include but not
188 be limited to the following: employment, upgrading, demotion or transfer; recruitment or
189 recruitment advertising; layoff or termination; rates of pay or other forms of compensation;
190 and selection for training including apprenticeships. The contractor will post in
191 conspicuous places, available for employment, notices to be provided by the county setting
192 forth the provisions of the nondiscriminatory clause. A violation of this provision shall be
193 sufficient cause for the county to terminate the contract without liability for the
194 uncompleted portion or for any materials or services purchased or paid for by the
195 contractor for use in completing the contract.

196

197 **SECTION 10.**

198

199 Chapter 90, of the Milwaukee County Code of General Ordinances, up to and
200 including _____, is hereby amended as follows:

201

202 **90.04. Board of directors.**

203 There shall be a representative governing and policy-making board of directors, which shall
204 have charge of the operation and administration of the program. In accord with the
205 requirement of s. 51.38(6)(a), Wis. Stats., the county board of public welfare, as established
206 by s. 46.21, Wis. Stats., shall constitute the board of directors of the county day care
207 service. The composition and appointment of the board of directors and the terms of
208 members thereof shall be governed by the provisions of said s. 46.21, Wis. Stats.

209 (1) Subject to s. 51.38, Wis. Stats., and rules of the state department of public welfare, the
210 board of directors shall have the following powers and duties:

211 (a) To appoint the administrator of the county day care service program, who shall be
212 responsible to the board in the operation of the program.

213 (b) To define the program and formulate the necessary policies for its implementation, with
214 the cooperation of the administrator.

215 (c) To establish salaries and personnel policies for the program.

216 (d) To review and evaluate the services of the day care program so as to assure
217 conformance with the basic plan and budget, including periodic reporting to the director,
218 local public officials, the program administrator and the public, and to make
219 recommendations for changes in program and services when indicated.

- 220 (e) To assist in arranging and promoting local financial support for the program from private
221 and public sources.
222 (f) To assist in arranging cooperative working agreements with other health, vocational and
223 welfare services, public and private, and with other related agencies.
224 (g) To establish fee schedules based upon ability to pay.
225 (h) To review the fiscal practices, the annual plan and budget, and make recommendations.
226 (i) To provide that no one be denied services on the basis of race, color, ~~or~~ creed, sex,
227 sexual orientation, gender identity and gender expression, or inability to pay.

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229 SECTION 11.

230

231 Chapter 107 of the Milwaukee County Code of General Ordinances, up to and including
232 _____, is hereby amended as follows:

233

234 107.01. Intent.

235 It is the intent of this chapter to render unlawful discrimination in housing and to enact this
236 chapter pursuant to the authority granted to counties by s. 66.432(2), Wis. Stats. It is the
237 declared policy of the county that all persons shall have an equal opportunity for housing
238 regardless of age, sex, sexual orientation as defined in s. 111.32(13m), Wis. Stats., gender
239 identity and gender expression, race, color, handicap disability, religion, creed, national
240 origin or ancestry, or marital status of the person maintaining a household, or status as a
241 victim of domestic abuse, sexual assault, or stalking, or lawful source of income, ~~age,~~
242 ~~ancestry or sexual orientation as defined in s. 111.32(13m), Wis. Stats.~~

243

244 107.02. Definitions.

245

246 In this chapter unless the context requires otherwise:

247 (1) "Housing" means any improved property, including any mobile home as
248 defined in s. 66.058, Wis. Stats., which is used or occupied, or is intended,
249 arranged or designed to be used or occupied, as a home or residence.

250 (2) "Discriminate" and "discrimination" mean to segregate, separate, exclude or
251 treat any person or class of persons unequally because of age, sex, gender identity
252 and gender expression, race, color, handicap disability, religion, creed, national
253 origin or ancestry, or marital status of the person maintaining a household, family
254 status, status in a domestic partnership, lawful source of income, age, ancestry, or
255 sexual orientation as defined in s. 111.32(13m), Wis. Stats., or status as a victim of
256 domestic abuse, sexual assault, or stalking. It is intended that the factors set forth
257 herein shall be the sole basis for prohibiting discrimination.

258 (3) "Handicap" "Disability" means ~~any physical disability or any developmental~~
259 ~~disability as defined under s. 51.01(5)(a), Wis. Stats.~~ a physical or mental impairment
260 that substantially limits one or more major life activities, a record of having such an
261 impairment or being regarded as having such an impairment as defined in s. 106.50
262 Wis. Stats. "Disability" does not include the current illegal use of a controlled
263 substance, as defined in s. 961.01(4) Wis. Stats., or a controlled substance analog,

264 as defined in s. 961.01(4m) Wis. Stats., unless the individual is participating in a
265 supervised drug rehabilitation program.

266 (4) "Unimproved residential lot" means any residential lot upon which no
267 permanent building or structure containing living quarters has been constructed.

268 (5) "Condominium" means property subject to a condominium declaration
269 under ch. 703, Wis. Stats.

270 (6) "Condominium association" means an association as defined in s.
271 703.02(1m), Wis. Stats.

272 (7) "Gender identity" is the actual or perceived condition, status or acts of:

273 a) Identifying emotionally or psychologically with the sex other than
274 one's biological or legal sex at birth, whether or not there has been a
275 physical change of the organs of sex;

276 (b) Presenting and/or holding oneself out to the public as a member of the
277 biological sex that was not one's biological or legal sex at birth;

278 (c) Lawfully displaying physical characteristics and/or behavioral
279 characteristics and/or expressions which are widely perceived as being
280 more appropriate to the biological or legal sex that was not one's
281 biological or legal sex at birth, as when a male is perceived as feminine

282 or a female is perceived as masculine; and/or

283 (d) Being physically and/or behaviorally androgynous.

284 (8) "Gender expression" refers to all of the external characteristics and behaviors
285 that are socially defined as either masculine or feminine, such as dress, grooming,
286 mannerisms, speech patterns and social interactions. Social or cultural norms can
287 vary widely and some characteristics that may be accepted as masculine, feminine
288 or neutral in one culture may not be assessed similarly in another.

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290 SECTION 12.

291

292 Appendix F, Article XVII., of the Milwaukee County Code of General Ordinances,
293 up to and including _____, is hereby amended as follows:

294

295 Section 1702 Nondiscrimination.

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297 Each air carrier and air transportation company operating at the Airport shall conduct its
298 operation, maintenance, improvement and use of the property and facilities at the airport
299 so that no person, on the grounds of race, color, ancestry or national origin, sex, sexual
300 orientation, or gender identity and expression, shall be excluded from participation in,
301 denied the benefits of, or be otherwise subjected to discrimination in the use of said
302 facilities; that in the construction of any improvements on, over or under such land and the
303 furnishing of services thereon, no person, on the grounds of race, color, ancestry or
304 national origin, sex, sexual orientation, or gender identity and expression, shall be
305 excluded from participation in, denied the benefits of, or be otherwise subjected to
306 discrimination. Each air carrier and air transportation company shall use the premises in
307 compliance with all other requirements imposed by or pursuant to title 49, Code of Federal

308 Regulations, department of transportation, subtitle A, office of the secretary, part 21,
309 nondiscrimination in federally assisted programs of the department of transportation -
310 effectuation of title VI of the Civil Rights Act of 1964, and as said regulations may be
311 amended and all Milwaukee County rules and regulations, policies, procedures and
312 ordinances in effect or as they may be amended from time to time.

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