

1 FROM THE OFFICE OF JOSPEH J. CZARNEZKI
2 MILWAUKEE COUNTY CLERK

3
4 County Ordinance No. 14-10
5 File No. 14-332
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7
8 AN ORDINANCE
9

10 The Milwaukee County Board of Supervisors ordains the following:

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12 **SECTION 1.**

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14 Chapter 1 of the Milwaukee County Code of General Ordinances is hereby
15 amended as follows:

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17 **1.03. Opening of meeting.**

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19 (a) Call to order. At the hour of meeting, the chairperson of the county board, or in
20 his/her absence the first vice-chairperson, or in his/her absence the second vice-
21 chairperson, shall call the members to order and shall request all members present to
22 rise for the pledge of allegiance and a moment of silent prayer and meditation. In case
23 of the absence of the chairperson or vice-chairperson, the county board shall elect one
24 (1) of its members temporary county board chairperson. The annual meeting shall be
25 opened with an invocation offered by a member of the clergy selected in rotation without
26 discrimination as to race, gender, sex, sexual orientation, gender identity and
27 expression, creed, or religious affiliation, who shall serve without compensation.
28 Regular meetings may be opened with an invocation.
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30 **SECTION 2.**

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32 Chapter 4, of the Milwaukee County Code of General Ordinances is hereby
33 amended as follows:

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35 **4.21. Nondiscrimination.**

36 Each air carrier and air transportation company operating at General Mitchell
37 International Airport shall conduct its operation, maintenance, improvement and use of
38 the property and facilities at the airport so that no person, on the grounds of race, color,
39 sex, sexual orientation, gender identity and expression, ancestry or national origin, shall
40 be excluded from participation in, denied the benefits of, or be otherwise subjected to
41 discrimination in the use of said facilities; that in the construction of any improvements
42 on, over or under such land and the furnishing of services thereon, no person, on the
43 grounds of race, color, sex, sexual orientation, gender identity and expression, ancestry
44 or national origin, shall be excluded from participation in, denied the benefits of, or be
45 otherwise subjected to discrimination. Each air carrier and air transportation company
46 shall use the premises in compliance with all other requirements imposed by or

47 pursuant to title 49, Code of Federal Regulations, department of transportation, subtitle
48 A, office of the secretary, part 21, nondiscrimination in federally assisted programs of
49 the department of transportation - effectuation of title VI of the Civil Rights Act of 1964,
50 and as said regulations may be amended.

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52 **SECTION 3.**

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54 Chapter 15, of the Milwaukee County Code of General Ordinances is hereby
55 amended as follows:

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57 **15.215. Investment of county funds.**

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

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

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

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70 **SECTION 4.**

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72 Chapter 17, of the Milwaukee County Code of General Ordinances is hereby
73 amended as follows:

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75 **17.207. Grievance procedure.**

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

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89 **SECTION 5.**

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91 Chapter 23, of the Milwaukee County Code of General Ordinances is hereby
92 amended as follows:

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23.03. Public meetings.

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

SECTION 6.

Chapter 30, of the Milwaukee County Code of General Ordinances is hereby amended as follows:

30.11. Discrimination prohibited.

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

SECTION 7.

33.01. Enactment.

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

SECTION 8.

Chapter 46, of the Milwaukee County Code of General Ordinances is hereby amended as follows:

46.09. Purchase of care and services by the county.

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

139 **SECTION 9.**

140 Chapter 56, of the Milwaukee County Code of General Ordinances is hereby
141 amended as follows:

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143 **56.17. Nondiscriminatory contracts.**

144 (1a) All contracts except those exclusions listed in paragraph (e) let by or on
145 behalf of the county, shall include the following provisions:

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

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160 **SECTION 10.**

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162 Chapter 90, of the Milwaukee County Code of General Ordinances is hereby
163 amended as follows:

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165 **90.04. Board of directors.**

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

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

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

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

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

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

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

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194 **SECTION 11.**

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196 Chapter 107 of the Milwaukee County Code of General Ordinances is hereby amended
197 as follows:

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199 **107.01. Intent.**

200 It is the intent of this chapter to render unlawful discrimination in housing and to enact
201 this chapter pursuant to the authority granted to counties by s. 66.432(2), Wis. Stats. It
202 is the declared policy of the county that all persons shall have an equal opportunity for
203 housing regardless of ~~age, sex, sexual orientation as defined in s. 111.32(13m), Wis.~~
204 ~~Stats., gender identity and gender expression,~~ race, color, handicap disability, religion,
205 creed, national origin or ancestry, ~~or marital status of the~~ a person maintaining a
206 household, ~~or status as a victim of domestic abuse, sexual assault, or stalking, or lawful~~
207 ~~source of income,~~ age, ancestry or sexual orientation as defined in s. 111.32(13m),
208 Wis. Stats., age, sexual orientation, as defined in s.111.32(13m), Wis. Stats., status as
209 a victim of domestic abuse, sexual assault, or stalking, gender identity and gender
210 expression, or status in a domestic partnership.

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212 **107.02. Definitions.**

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214 In this chapter unless the context requires otherwise:

- 215 (1) "Housing" means any improved property, including any mobile home as
216 defined in s. 66.058, Wis. Stats., which is used or occupied, or is intended,
217 arranged or designed to be used or occupied, as a home or residence.
- 218 (2) "Discriminate" and "discrimination" mean to segregate, separate, exclude
219 or treat any person or class of persons unequally because of age, sex, sexual
220 orientation as defined in s. 111.32(13m), Wis. Stats., gender identity and gender
221 expression, race, color, handicap disability, religion, creed, national origin or
222 ancestry, ~~or marital status of the~~ a person maintaining a household, ~~or status as a~~
223 ~~victim of domestic abuse, sexual assault, or stalking, or lawful source of income,~~
224 age, ancestry or sexual orientation as defined in s. 111.32(13m), Wis. Stats.,
225 age, sexual orientation, as defined in s.111.32(13m), Wis. Stats., status as a
226 victim of domestic abuse, sexual assault, or stalking, gender identity and gender
227 expression, or status in a domestic partnership. ~~It is intended that the factors set~~
228 ~~forth herein shall be the sole basis for prohibiting discrimination.~~

- 229 (3) ~~"Handicap"~~ "Disability" means ~~any physical disability or any developmental~~
230 ~~disability as defined under s. 51.01(5)(a), Wis. Stats.~~ a physical or mental
231 impairment that substantially limits one or more major life activities, a record of
232 having such an impairment or being regarded as having such an impairment as
233 defined in s. 106.50 Wis. Stats. "Disability" does not include the current illegal
234 use of a controlled substance, as defined in s. 961.01(4) Wis. Stats., or a
235 controlled substance analog, as defined in s. 961.01(4m) Wis. Stats., unless the
236 individual is participating in a supervised drug rehabilitation program.
237 (4) "Unimproved residential lot" means any residential lot upon which no
238 permanent building or structure containing living quarters has been constructed.
239 (5) "Condominium" means property subject to a condominium declaration
240 under ch. 703, Wis. Stats.
241 (6) "Condominium association" means an association as defined in s.
242 703.02(1m), Wis. Stats.
243 (7) "Gender identity" is the actual or perceived condition, status or acts of:
244 a) Identifying emotionally or psychologically with the sex other than
245 one's biological or legal sex at birth, whether or not there has been a
246 physical change of the organs of sex;
247 (b) Presenting and/or holding oneself out to the public as a member of
248 the biological sex that was not one's biological or legal sex at birth;
249 (c) Lawfully displaying physical characteristics and/or behavioral
250 characteristics and/or expressions which are widely perceived as being
251 more appropriate to the biological or legal sex that was not one's
252 biological or legal sex at birth, as when a male is perceived as feminine
253 or a female is perceived as masculine; and/or
254 (d) Being physically and/or behaviorally androgynous.
255 (8) "Gender expression" refers to all of the external characteristics and
256 behaviors that are socially defined as either masculine or feminine, such as
257 dress, grooming, mannerisms, speech patterns and social interactions. Social or
258 cultural norms can vary widely and some characteristics that may be accepted as
259 masculine, feminine or neutral in one culture may not be assessed similarly in
260 another.

261 262 **SECTION 12.**

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264 Appendix F, Article XVII., of the Milwaukee County Code of General Ordinances
265 is hereby amended as follows:
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267 **Section 1702 Nondiscrimination.**

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269 Each air carrier and air transportation company operating at the Airport shall conduct its
270 operation, maintenance, improvement and use of the property and facilities at the
271 airport so that no person, on the grounds of race, color, ancestry or national origin, sex,
272 sexual orientation, or gender identity and expression, shall be excluded from
273 participation in, denied the benefits of, or be otherwise subjected to discrimination in the
274 use of said facilities; that in the construction of any improvements on, over or under

275 such land and the furnishing of services thereon, no person, on the grounds of race,
276 color, ancestry or national origin, sex, sexual orientation, or gender identity and
277 expression, shall be excluded from participation in, denied the benefits of, or be
278 otherwise subjected to discrimination. Each air carrier and air transportation company
279 shall use the premises in compliance with all other requirements imposed by or
280 pursuant to title 49, Code of Federal Regulations, department of transportation, subtitle
281 A, office of the secretary, part 21, nondiscrimination in federally assisted programs of
282 the department of transportation - effectuation of title VI of the Civil Rights Act of 1964,
283 and as said regulations may be amended and all Milwaukee County rules and
284 regulations, policies, procedures and ordinances in effect or as they may be amended
285 from time to time.

286

287 **Section 13**

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289 This ordinance shall become effective upon passage and publication or on July
290 1, 2014, whichever is later.

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**Adopted by the Milwaukee County Board of Supervisors
April 24, 2014**