

1 By Supervisor Dimitrijevic

File No. 14-

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3 **A RESOLUTION/ORDINANCE**  
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5 Amending Chapters 1, 4, 15, 17, 23, 30, 33, 46, 56, 90, 107 and Appendix F, Article  
6 XVII of the Milwaukee County Code of General Ordinances by expanding and defining  
7 Milwaukee County's non-discrimination policy to ensure equal opportunity to all  
8 persons from all segments of Milwaukee County in contracting, employment and  
9 promotional opportunity and equal access to public services  
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11 WHEREAS, the State of Wisconsin, as reported by the Legislative Reference  
12 Bureau in February 2008, has historically been a leader in equal employment  
13 opportunities and anti-discrimination; and  
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15 WHEREAS, the County of Milwaukee seeks to protect its citizens and visitors in  
16 the enjoyment of their civil rights by ensuring that everyone is free from discrimination  
17 and by promoting mutual understanding and respect among all who reside, visit, and  
18 work within the county; and  
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20 WHEREAS, it is in the general interest and welfare of Milwaukee County to  
21 promote a fair and open marketplace that attracts more diverse development  
22 opportunities; and  
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24 WHEREAS, despite the protections currently afforded for a person's sex, denial of  
25 civil rights based on gender identity or expression continues to occur; and  
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27 WHEREAS, denial of equal opportunity intensifies group conflict, undermines the  
28 foundations of our democratic society, and adversely affects the general welfare of the  
29 community;  
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31 WHEREAS, the Milwaukee County Board of Supervisors is unified in its  
32 commitment to creating equal opportunities for all who reside, visit, and work within the  
33 county; now, therefore,  
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35 BE IT RESOLVED, the Milwaukee County Human Resources Director is authorized  
36 and directed to present to the Civil Service Commission a County Board  
37 recommendation to amend the Civil Service Rules to incorporate the following classes  
38 for protection from discrimination: sexual orientation, gender identity and expression;  
39 and

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

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**AN ORDINANCE**

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The Milwaukee County Board of Supervisors ordains the following:

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**SECTION 1.**

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

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**1.03. Opening of meeting.**

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**SECTION 2.**

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

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**4.21. Nondiscrimination.**

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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

80 grounds of race, color, sex, sexual orientation, gender identity and expression, ancestry  
81 or national origin, shall be excluded from participation in, denied the benefits of, or be  
82 otherwise subjected to discrimination. Each air carrier and air transportation company  
83 shall use the premises in compliance with all other requirements imposed by or  
84 pursuant to title 49, Code of Federal Regulations, department of transportation, subtitle  
85 A, office of the secretary, part 21, nondiscrimination in federally assisted programs of  
86 the department of transportation - effectuation of title VI of the Civil Rights Act of 1964,  
87 and as said regulations may be amended.

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89 **SECTION 3.**

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

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94 **15.215. Investment of county funds.**

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

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

103

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

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107 **SECTION 4.**

108

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

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112 **17.207. Grievance procedure.**

113 (1) *Application; exceptions.* A grievance shall mean any controversy which exists as a  
114 result of an unsatisfactory adjustment or failure to adjust a claim or dispute by a non\_  
115 represented employee or group of non-represented employees concerning the  
116 application of wage schedules and provisions relating to hours of work and working  
117 conditions and non-represented employees as well as students of county-operated or  
118 affiliated training programs or county employees in the unclassified service  
119 concerning discrimination based on race, sex, sexual orientation, gender identity and

120 expression, age, ancestry or nationality, political or religious affiliation, creed, or  
121 handicap disability. The grievance procedure shall not be used to change existing wage  
122 schedules, hours of work, working conditions, fringe benefits and position classifications  
123 established by ordinances and rules which are matters processed under existing  
124 procedures.

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126 **SECTION 5.**

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

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131 **23.03. Public meetings.**

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

137 **SECTION 6.**

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

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142 **30.11. Discrimination prohibited.**

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

147

148 **SECTION 7.**

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150 **33.01. Enactment.**

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

160 far as they relate to the discipline and discharge of employees and all of the duties and  
161 responsibilities prescribed in section 17.207 of the Code.

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163 **SECTION 8.**

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

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168 **46.09. Purchase of care and services by the county.**

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

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175 **SECTION 9.**

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

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179 **56.17. Nondiscriminatory contracts.**

180 (1a) All contracts except those exclusions listed in paragraph (e) let by or on  
181 behalf of the county, shall include the following provisions:

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

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196 **SECTION 10.**

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

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201 **90.04. Board of directors.**

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

209 (1) Subject to s. 51.38, Wis. Stats., and rules of the state department of public welfare,  
210 the 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,  
214 with 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  
218 director, 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  
221 private and public sources.

222 (f) To assist in arranging cooperative working agreements with other health, vocational  
223 and 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  
226 recommendations.

227 (i) To provide that no one be denied services on the basis of race, color, ~~or~~ creed, sex,  
228 sexual orientation, gender identity and gender expression, or inability to pay.

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:

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234 **107.01. Intent.**

235 It is the intent of this chapter to render unlawful discrimination in housing and to enact  
236 this chapter pursuant to the authority granted to counties by s. 66.432(2), Wis. Stats. It is  
237 the declared policy of the county that all persons shall have an equal opportunity for  
238 housing regardless of age, sex, sexual orientation as defined in s. 111.32(13m), Wis.  
239 Stats., gender identity and gender expression, race, color, handicap disability, religion,

240 creed, national origin or ancestry, or marital status of the person maintaining a  
241 household, or status as a victim of domestic abuse, sexual assault, or stalking, or lawful  
242 source of income, age, ancestry or sexual orientation as defined in s. 111.32(13m), Wis.  
243 Stats.

244

## 245 **107.02. Definitions.**

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247 In this chapter unless the context requires otherwise:

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

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

260 (3) "~~Handicap~~" "Disability" means ~~any physical disability or any developmental~~  
261 ~~disability as defined under s. 51.01(5)(a), Wis. Stats.~~ a physical or mental  
262 impairment that substantially limits one or more major life activities, a record of  
263 having such an impairment or being regarded as having such an impairment as  
264 defined in s. 106.50 Wis. Stats. "Disability" does not include the current illegal use  
265 of a controlled substance, as defined in s. 961.01(4) Wis. Stats., or a controlled  
266 substance analog, as defined in s. 961.01(4m) Wis. Stats., unless the individual is  
267 participating in a supervised drug rehabilitation program.

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

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

272 (6) "Condominium association" means an association as defined in s.  
273 703.02(1m), Wis. Stats.

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

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

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

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

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

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## 293 **SECTION 12.**

294

295 Appendix F, Article XVII., of the Milwaukee County Code of General Ordinances,  
296 up to and including \_\_\_\_\_, is hereby amended as follows:

297

### 298 **Section 1702 Nondiscrimination.**

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300 Each air carrier and air transportation company operating at the Airport shall conduct its  
301 operation, maintenance, improvement and use of the property and facilities at the  
302 airport so that no person, on the grounds of race, color, ancestry or national origin, sex,  
303 sexual orientation, or gender identity and expression, shall be excluded from  
304 participation in, denied the benefits of, or be otherwise subjected to discrimination in  
305 the use of said facilities; that in the construction of any improvements on, over or under  
306 such land and the furnishing of services thereon, no person, on the grounds of race,  
307 color, ancestry or national origin, sex, sexual orientation, or gender identity and  
308 expression, shall be excluded from participation in, denied the benefits of, or be  
309 otherwise subjected to discrimination. Each air carrier and air transportation company  
310 shall use the premises in compliance with all other requirements imposed by or  
311 pursuant to title 49, Code of Federal Regulations, department of transportation, subtitle  
312 A, office of the secretary, part 21, nondiscrimination in federally assisted programs of  
313 the department of transportation - effectuation of title VI of the Civil Rights Act of 1964,  
314 and as said regulations may be amended and all Milwaukee County rules and  
315 regulations, policies, procedures and ordinances in effect or as they may be amended  
316 from time to time.