

First Reading: _____
Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 2, ARTICLE III BY INSERTING A NEW DIVISION XX ENTITLED “EMPLOYMENT NON-DISCRIMINATION ORDINANCE”.

WHEREAS, the City Council of the City of Chattanooga desires to prohibit employment discrimination on the basis of sexual orientation or gender identity.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 2, Article III, Division XX of the Chattanooga City Code is hereby amended by inserting a new Division XVI as follows:

DIVISION XX – EMPLOYMENT NON-DISCRIMINATION

Sec. 2-450. Short Title.

This Ordinance may be cited as the “Employment Non-Discrimination Ordinance”.

Sec. 2-451. Purposes.

The purposes of the Employment Non-Discrimination Ordinance are:

- (1) To address the history and widespread pattern of discrimination on the basis of sexual orientation or gender identity; and
- (2) To provide a comprehensive prohibition of employment discrimination by the City on the basis of sexual orientation or gender identity, including meaningful and effective remedies for any such discrimination.

Sec. 2-452. Definitions.

- (1) EMPLOYEE-
 - (A) IN GENERAL- The term “employee” means an employee as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f)); and
 - (B) EXCEPTION- The provisions of this Ordinance that apply to an employee or individual shall not apply to a volunteer who receives no compensation.
- (2) GENDER IDENTITY- The term “gender identity” means the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual’s designated sex at birth.
- (3) PERSON- The term “person” has the meaning given the term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).
- (4) SEXUAL ORIENTATION- The term “sexual orientation” means homosexuality.

Sec. 2-453. Employment Discrimination Prohibited.

- (a) Employer Practices- It shall be an unlawful employment practice for the City—
 - (1) To fail or refuse to hire or to discharge any individual, or otherwise discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because of such individual’s actual or perceived sexual orientation or gender identity; or
 - (2) To limit, segregate, or classify the employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment or otherwise adversely affect the status of the individual as an employee, because of such individual’s actual or perceived sexual orientation or gender identity.
- (b) Training Programs- It shall be an unlawful employment practice to discriminate against any individual because of the actual or perceived sexual orientation or gender identity of the individual in admission to, or employment in, any program established to provide apprenticeship or other training.

- (c) No Preferential Treatment or Quotas- Nothing in this Ordinance shall be construed or interpreted to require the City to adopt or implement a quota on the basis of actual or perceived sexual orientation or gender identity.

Sec. 2-454. Retaliation Prohibited.

It shall be an unlawful employment practice for an employee of the City to discriminate against an individual because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Ordinance.

Sec. 2-455. Construction.

- (a) Employer Rules and Policies-
 - (1) IN GENERAL- Nothing in this Ordinance shall be construed to prohibit the City from enforcing rules and policies that do not intentionally circumvent the purposes of this Ordinance, if the rules or policies are designed for, and uniformly applied to, all individuals regardless of actual or perceived sexual orientation or gender identity.
 - (2) SEXUAL HARASSMENT- Nothing in this Ordinance shall be construed to limit the City from taking adverse action against an individual because of a charge of sexual harassment against that individual, provided that rules and policies on sexual harassment, including when adverse action is taken, are designed for, and uniformly applied to, all individuals regardless of actual or perceived sexual orientation or gender identity.
 - (3) CERTAIN SHARED FACILITIES- Nothing in this Ordinance shall be construed to establish an unlawful employment practice based on actual or perceived gender identity due to the denial of access to shared shower or dressing facilities in which being seen unclothed is unavoidable, provided that the employer provides reasonable access to adequate facilities that are not inconsistent with the employee's gender identity as established with the employer at the time of employment or upon notification to the employer that the employee has undergone or is undergoing gender transition, whichever is later.
 - (4) ADDITIONAL FACILITIES NOT REQUIRED- Nothing in this Ordinance shall be construed to require the construction of new or additional facilities.

- (5) DRESS AND GROOMING STANDARDS- Nothing in this Ordinance shall prohibit the City from requiring an employee, during the employee's hours at work, to adhere to reasonable dress or grooming standards not prohibited by other provisions of Federal, State, or local law, provided that the employer permits any employee who has undergone gender transition prior to the time of employment, and any employee who has notified the employer that the employee has undergone or is undergoing gender transition after the time of employment, to adhere to the same dress or grooming standards for the gender to which the employee has transitioned or is transitioning.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage, as provided by law.

Passed on second and final reading: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

LG/mms