

First Reading: _____
Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,
ARTICLE III, DIVISION 1, CHAPTER 2, SECTION 2-137 AND
SECTION 2-138; AND ARTICLE III, DIVISION 10, CHAPTER
2, SECTION 2-183, ANTI-HARASSMENT POLICY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,
TENNESSEE:

SECTION 1. That Article III, Division 1, Chapter 2, Section 2-137, General purpose, of the Chattanooga City Code is hereby amended by deleting subsection (b)(1) in its entirety and substituting in lieu thereof the following:

Sec. 2-137. General purpose.

(b) In order that this purpose may be accomplished, it shall be the policy of the city that:

- (1) Employment shall be based on merit and fitness, without regard to age, sex, race, color, religion, physical disability, national origin, protected veteran or military status, sexual orientation, gender identity, ethnic origin or political affiliations, except where such category or class constitutes a bona fide occupational qualification.

SECTION 2. That Article III, Division 1, Chapter 2, Section 2-138, Definitions, be re-alphabetized and include the following definitions:

Age: For purposes of sections that address nondiscrimination, age means 40 or more years of age.

Disability: With respect to an individual, disability means (a) a physical or mental impairment that substantially limits one or more major life activities, as defined by the Americans With Disabilities Act and the ADA Amendments Act, of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment. This term does not

include the current, illegal use of or addiction to a controlled substance as defined under state and federal law.

Ethnic Origin means an individual's actual or perceived heritage and common ancestry or shared historical past as well as identifiable physical, cultural, or linguistic characteristics.

Gender Identity means the actual or perceived gender-related identity, appearance, or mannerisms, or other gender-related characteristics of an individual, with or without regard to the individual's sex at birth.

Military Service means a person who is serving or has served in a uniformed service, and who, is discharged, was discharged or released under conditions other than dishonorable. Uniformed services is defined as set forth in 20 C.F.R. 1002.5(c).

Religion includes all aspects of religious observance and practice, as well as beliefs, unless the City demonstrates that it is unable to reasonably accommodate an employee's or perspective employee's religious observance or practices without undue hardship on the conduct of the City's business.

Sexual Orientation means the actual or perceived status of the person with respect to his or her sexuality.

SECTION 3. That Article III, Division 10, Chapter 2, Section 2-183, Anti-harassment policy, of the Chattanooga City Code is hereby amended by deleting this section in its entirety and substituting in lieu thereof the following:

Sec. 2-183. Anti-harassment policy.

As an equal opportunity employer, the City is committed to promoting and maintaining a working environment free of all forms of sexual and other unlawful harassment and discrimination. Simply put, the City does not and will not tolerate illegal harassment of its employees. Any form of harassment related to an individual's race, color, sex, religion, national origin, age, disability, sexual orientation, gender identity, and ethnic origin is a violation of this policy and will be treated as a disciplinary matter. The term "harassment" includes, but is not limited to, slurs, jokes and other verbal, graphic, or physical conduct, statements, or materials relating to an individual's race, color, sex, religion, national origin, age, disability, sexual orientation, gender identity, and ethnic origin. "Harassment" also includes sexual advances, requests for sexual favors, unwelcome or offensive touching, sexually provocative or abusive language, and other verbal, graphic, or physical conduct of a sexual nature. Unlawful harassment may result in the loss of a tangible job benefit, take the form of an implied or express condition of employment, or it may result in an unduly hostile or oppressive work environment. If any employee has any questions about what constitutes harassing behavior, such employee is

encouraged to contact his/her supervisor or the City Human Resources Director. This policy does not in any way prohibit an employee's religious identity. City employees cannot be denied jobs, lose their employment or be demoted for stating and/or exercising their religious identity as guaranteed under the United States Constitution and state law.

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading:_____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

WAH/VLM/mms/kac/Version 4 – 07-17-15