

Mayor and Council Communication

DATE: 01/28/20

M&C FILE NUMBER: M&C 20-0038

LOG NAME: 02AMEND HUMAN RELATIONS ORDINANCE

SUBJECT

Adopt Ordinance Amending Chapter 17 “Human Relations”, Article II: “Human Relations Commission” and Article III: “Discrimination” of the Code of the City of Fort Worth Texas to Reflect the Organizational Changes Related to the Creation of the Diversity and Inclusion Department, to Align Personnel Policies and Procedures with City Practices, to Add Provisions Relating to the Investigation of Complaints of Discrimination in Housing, Employment and Public Accommodations, and to Align Investigative Methods and Procedures with Federal Processing Criteria and Current Vernacular (ALL COUNCIL DISTRICTS)

RECOMMENDATION:

It is recommended that City Council Adopt the attached ordinance amending Chapter 17 “Human Relations” of the Code of the City of Fort Worth Texas.

DISCUSSION:

Chapter 17 “Human Relations” is located under Part II of the City Code. Chapter 17, Article II: “Human Relations Commission” establishes the structure and appointment of members to the Human Relations Commission as well as its power and duties, the appointment of an Administrator to carry out the policy directives of the Human Relations Commission and provide oversight of City staff to investigate complaints of discrimination in Public Accommodations, Employment and Housing. Chapter 17, Article III: “Discrimination” establishes the definitions, exemptions, unlawful acts, investigative procedures, enforcement, and penalties related to complaints of discrimination.

The “Human Relations” Ordinance has been revised several times since its original adoption in 1967, including but not limited to: designation of the Commission as the agency to receive, investigate and resolve complaints of discrimination (1969), addition of Sex and Religion as protected classes (1979), addition of Disability and Familial Status as protected classes (1990), addition of Sexual Orientation as a protected class (2000), and the addition of Transgender, Gender Identity or Gender Expression as protected classes (2009).

The City Manager’s Office, Human Relations Unit is recommending amending portions of Chapter 17 “Human Relations”, Article II: “Human Relations Commission” and Article II: “Discrimination” to reflect administrative updates; regulatory edits; policy edits; updates and additions; conforming edits; and non-substantive corrections. Administrative edits include provisions to reflect the organizational changes related to the creation of the Diversity and Inclusion Department, which was a recommendation of the Task Force on Race and Culture. Regulatory edits include provisions to align personnel policies and procedures with City practices and policies. Policy edits, updates and additions include provisions to aid in the investigation of complaints of discrimination in Public Accommodations, Employment and Housing. Conforming edits include provisions to align investigative methods and procedures with federal processing criteria and current vernacular. Non-substantive corrections are included to correct grammar, punctuation and sentence structure.

Substantial revisions to Article II and III, include: 1) changes in authority to appoint the Director, set the Director’s salary, evaluate the Director’s performance, and authority to terminate the Director; (2) additions to the process for investigating complaints of discrimination in places of public accommodation that include a timeline for filing complaints, format for complaints, the timeline for notifying respondents of complaints, and provisions related to the investigative process; (3) addition of verbiage relating to the disclosure of information to align with state and federal law; and, (4) addition of an appeal process for findings of “No Cause” in complaints involving places of public accommodation and housing.

By adopting these amendments, the newly established Diversity and Inclusion Department can align its personnel policies and procedures with the City’s established policies and procedures, operate and conduct investigations more effectively and efficiently in compliance with federal processing criteria, as well as provide for an appeal process for “No Cause” findings in complaints involving places of public accommodation and housing.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of these recommendations will have no material effect on City funds.

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