

Introduced by Treece

First Reading 10-16-17

Second Reading 11-6-17

Ordinance No. 023370

Council Bill No. B 321-17

AN ORDINANCE

amending Chapter 12 of the City Code relating to employment discrimination; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 12 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 12-32. Definitions.

For the purposes of this article, the following words and terms shall have the meanings respectively ascribed:

...

Protected category. Race, color, religion, sex, national origin, ancestry, marital status, disability, sexual orientation, or gender identity. For purposes of this definition, sex discrimination shall include, but not be limited to, discrimination because of or on the basis of pregnancy, childbirth or related medical conditions.

...

Sec. 12-34. Employment.

- (a) It shall be unlawful:
 - (1) For an employer, because of any individual's protected category or familial status:
 - a. To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment.

- b. To limit, segregate or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee.
- (2) For a labor organization, because of any individual's protected category or familial status:
 - a. To exclude or to expel such individual from its membership or to discriminate in any manner against any of its members or against any employer or any individual employed by an employer.
 - b. To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any individual in any manner which would deprive or tend to deprive any individual of employment opportunities, or would limit such opportunities or otherwise adversely affect such individual's status as an employee or as an applicant for employment.
- (3) For any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining because of any individual's protected category or familial status.
- (4) Because of any individual's protected category or familial status:
 - a. For any employer or employment agency to print or circulate or cause to be printed or circulated, any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination, unless based upon a bona fide occupational qualification.
 - b. For an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, or to classify or refer for employment, any individual.
- (5) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any individual because such individual has opposed any act, practice or course of conduct made unlawful by, or filed a complaint, testified, or assisted in, any proceeding under this article.

- (6) For any person, whether an employer or employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts made unlawful by this article, or to attempt to do so.

(b) Notwithstanding any other provision of this article, it shall not be unlawful for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees in different locations; provided, that such differences or such systems are not the result of an intention or design to discriminate, and are not used to discriminate, because of any individual's protected category or familial status; nor shall it be unlawful for an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or action upon the results thereof, is not designed, intended or used to discriminate because of any protected category or familial status.

(c) Nothing contained herein shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this article to grant preferential treatment to any individual or to any group because of such individual's or group's protected category or familial status on account of an imbalance which may exist with respect to the total number or percentage of individuals of any protected category or familial status employed by any employer, referred to or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in any apprenticeship or other training program, in comparison with the total number or percentage of individuals of such protected category or familial status in the city, or in the available work force in the city.

(d) Notwithstanding any other provision of this article, it shall not be unlawful because of sex to differentiate in employment compensation, terms, conditions or privileges of employment between male and female employees if such differences are otherwise required or expressly permitted by the laws of the state, or by the provisions of Section 703 of the Federal Civil Rights Act of 1964, as amended, or by the provisions of section 6(d) of the Federal Fair Labor Standards Act of 1938, as amended; nor shall it be unlawful because of sex for an employer, pursuant to a pension, retirement, profit sharing, welfare or death benefit plan, to provide for the retirement of female employees at a younger age than male employees or to provide differences in annuity, death and survivors benefits between widows and widowers of employees.

(e) Notwithstanding any other provisions of this article, it shall not be unlawful for any church or religious school or religious day care center to consider sexual orientation in any hiring or employment action.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this 6th day of November, 2017.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor