



Legislation Text

File #: 19349, Version: 1

Fiscal Note

The Department of Civil Rights anticipates that there will likely be a minimal fiscal impact, with current staff resources sufficient to administer the new provisions. No additional resources or appropriation are required.

Title

Amending Secs. 9.49 and 39.03 of the Madison General Ordinances to clarify judicial review and revise the Equal Opportunities Ordinance.

Body

DRAFTER'S ANALYSIS: These revisions can be divided into two categories: those that are largely housekeeping and have minimal, if any, substantive impact and those that have substantive impact. The housekeeping changes involve eliminating the credit protections that were overruled many years ago by the Wisconsin Supreme Court in the case of Anchor Savings & Loan Assn. v. Equal Opportunities Commission, 120 Wis.2d 391, 355 N.W.2d 234 (1984). Additionally, these housekeeping changes include creating a new definition called "protected class membership" to eliminate the repetitious listing of each of the various protected classes each time the ordinance sets forth requirements related to all of these protected classes. These housekeeping changes also include modifying the definition of a victim of domestic violence so that our ordinance mirrors the language adopted by the State of Wisconsin. A final housekeeping change amends the language on court review of MEOC decisions to eliminate any ambiguity over the applicable procedures for initiating such review. Under this revision, the time period for initiating such review would remain at the current thirty days, however, the review would be initiated by the certiorari procedures set forth in Wis. Stat. §68.13. A technical amendment to Sec. 9.49 is also made to clarify this appeal process.

The substantive changes include a broader definition of the term "sexual orientation", expansion on social security number protections, and the creation of new protected class - "genetic identity". The broadened definition of sexual orientation would recognize that sexual orientation of a person may not be permanently fixed at any point along the traditional continuum of same sex or opposite sex attraction but rather, may exist in a non-static continuum of no sexual attraction at one end to same sex attraction to opposite sex attraction. Social security protections are expanded so that it would be illegal for any person to discriminate against another in housing, employment, use of City facilities or public accommodations on the basis that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law. The new genetic identity provisions make it illegal to discriminate against any person in the provision of housing, City facilities or employment based upon some factor in such person's genetic identity. These genetic identity protections are similar to, but more expansive than, the protections accorded under the federal Genetic Identity Non-Discrimination Act of 2008.

This amendment would also expand application of the protected class 'familial status' from its current application in housing to include such protections in employment, public accommodations, credit (to the extent that the City has any jurisdiction over credit matters) and City services/facilities.

The Common Council of the City of Madison do hereby ordain as follows:

PLEASE SEE "BODY" IN ATTACHMENTS.