

AGENDA ITEM SUMMARY

Submitted By: The County Attorney's Office
Submitted For: Office of Equal Opportunity

Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	-0-	-0 -	-0-	- 0 -	-0 -
Operating Costs	-0-	-0 -	-0-	- 0 -	-0 -
External Revenues	-0-	- 0 -	-0-	- 0 -	-0 -
Program Income (County)	-0-	- 0-	-0-	- 0 -	-0 -
In-Kind Match (County)	-0-	- 0-	-0-	- 0 -	-0 -

NET FISCAL IMPACT

ADDITIONAL FTE
POSITIONS (Cumulative) _____

Is Item Included In Current Budget? Yes _____ No _____

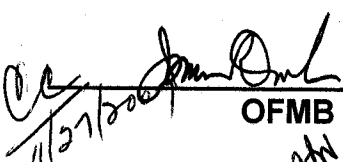
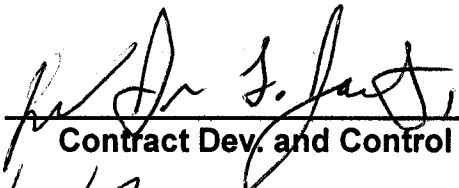
Budget Account No.: Fund _____ Department _____ Unit _____
Object _____ Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:


C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

 11/29/07
OFMB
11/27/07
11/29/07
11/26/07
 11/30/07
Contract Dev. and Control
11/29/07

B. Legal Sufficiency:

 11/20/07
Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

ORDINANCE NO. 2007 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 95-31 AS AMENDED BY ORDINANCE NO. 2002-066 AND ORDINANCE NO. 05-046, AS CODIFIED IN SECTIONS 2-261 THROUGH 2-313 OF THE PALM BEACH COUNTY CODE, RELATING TO EQUAL EMPLOYMENT; PROVIDING FOR ADDITIONAL PROTECTED CLASS; PROVIDING FOR DEFINITIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida enacted Ordinance 95-31, as amended by Ordinance No. 2002-066 and Ordinance No. 2005-046, providing for equal opportunities in employment, and such Ordinance is codified in Sections 2-261 through 2-313 of the Palm Beach County Code; and

WHEREAS, the Board of County Commissioners wishes to add an additional protected class.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Sections 2-261 through 2-313 of the Palm Beach County Code be amended:

SECTION 1 – PURPOSE – ADDITIONAL PROTECTED CLASS: Sections 2-262 of the Palm Beach County Code shall be amended to read as follows:

It shall be the policy of the Board of County Commissioners, in the exercise of its police power for the public safety, public health, and general welfare to assure, within constitutional limitations, that all persons regardless of race, color, sex, national origin, religion, age, disability, familial status, marital status, sexual orientation or gender identity or expression as defined by Title VII of the Civil Rights Act of 1991, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, as amended, the Rehabilitation Act, the Americans with Disabilities Act of 1990, the Florida Civil Rights Act or otherwise provided herein, be afforded equal opportunity to all terms and conditions of employment. Palm Beach County shall take all necessary and reasonable action to prevent discrimination in employment.

SECTION 2 – DEFINITION OF DISCRIMINATION CLASSIFICATION: Section 2-263, definition of “discrimination classification” is amended to read as follows:

Discrimination classification means a classification on the basis of race, color,

1 religion, national origin, sex, age, disability, familial status, marital status, sexual
2 orientation or gender identify or expression.

3 **SECTION 3 – DUTIES AND POWERS OF DIRECTOR-ADDITIONAL**

4 **PROTECTED CLASS:** Section 2-273(1)(a-b) of the Palm Beach County Code is
5 amended to read as follows:

6 The powers and duties of the director and/or the director's designee shall be:

7 (1) To investigate and make findings regarding:

8 a. Tension or prejudice in relation to all equal employment involving
9 race, sex, color, religion, national origin, age, disability, familial
10 status, marital status, sexual orientation or gender identity or
11 expression.

12 b. Discrimination against any person by any person with regard to
13 employment on the basis of race, sex, color, religion, national
14 origin, age, disability, familial status, marital status, sexual
15 orientation or gender identity or expression.

16 **SECTION 4 – OBJECTIVES – ADDITIONAL PROTECTED CLASS:** Section 2-
17 287(1) of the Palm Beach County Code is amended to read as follows:

18 The objective of the Board shall be:

19 (1) To promote and encourage fair treatment and equal opportunity in
20 employment for all persons regardless of race, sex, color, religion, national
21 origin, age, disability, familial status, marital status, sexual orientation or
22 gender identity or expression to promote and encourage mutual
23 understanding and respect among such persons and to endeavor to
24 eliminate employment discrimination against and antagonism between
25 such persons.

26 **SECTION 5 – POWERS AND DUTIES – ADDITIONAL PROTECTED CLASS:**

27 Section 2-288 of the Palm Beach County Code is amended to read as follows:

28 The powers and duties of the board shall be:

29 (1) To refer or accept referral of complaints when appropriate and to cause,
30 through the office of equal opportunity, investigations of:

31 a. Tension or prejudice in relation to all employment matters involving

1 race, sex, color, religion, national origin, age, disability, familial
2 status, marital status, sexual orientation or gender identity or
3 expression.

- 4 b. Discrimination against any person by any with regard to
5 employment matters on the basis of race, sex, color, religion,
6 national origin, age, disability, familial status, marital status, sexual
7 orientation or gender identity or expression.

8 **SECTION 6 – UNLAWFUL EMPLOYMENT PRACTICES – ADDITIONAL**

9 **PROTECTED CLASS:** Section 2-312(a-f) of the Palm Beach County Code is amended
10 to read as follows:

- 11 (a) It is an unlawful employment practice for an employer:

- 12 (1) To discharge or to fail or refuse to hire any individual, or otherwise
13 to discriminate against any individual with respect to compensation,
14 terms, conditions, or privileges of employment, because of such
15 individual's race, color, religion, sex, national origin, age, disability,
16 familial status, marital status, sexual orientation or gender identity
17 or expression.

- 18 (2) To limit, segregate, or classify employees or applicants for
19 employment in any way which would deprive or tend to deprive any
20 individual of employment opportunities, or adversely affect any
21 individual's status as an employee, because of such individual's
22 race, color, religion, sex, national origin, age, disability, familial
23 status, marital status, sexual orientation or gender identity or
24 expression.

- 25 (b) It is an unlawful employment practice for an employment agency to fail or
26 refuse to refer for employment, or otherwise to discriminate against, any individual
27 because of race, color, religion, sex, national origin, age, disability, familial status,
28 marital status, sexual orientation or gender identity or expression, or to classify or refer
29 for employment any individual on the basis of race, color, religion, sex, national origin,
30 age, disability, familial status, marital status, sexual orientation or gender identity or
31 expression.

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3 (c) It is an unlawful employment practice for a labor organization:

4 (1) To exclude or to expel from its membership, or otherwise to
5 discriminate against, any individual because of race, color, religion,
6 sex, national origin, age, disability, familial status, marital status,
7 sexual orientation or gender identity or expression.

8 (2) To limit, segregate, or classify its membership or applicants for
9 membership, or to classify or fail or refuse to refer for employment
10 any individual, in any which would deprive or tend to deprive any
11 individual of employment opportunities, or adversely affect any
12 individual's status as an employee or as an applicant for
13 employment, because of such individual's race, color, religion, sex,
14 national origin, age, disability, familial status, marital status, sexual
15 orientation or gender identity or expression.

16 (3) To cause or attempt to cause an employer to discriminate against
17 an individual in violation of this article.

18 (d) It is an unlawful employment practice for any employer, labor organization,
19 or joint labor-management committee controlling apprenticeship or other training or
20 retraining, including on-the-job training programs, to discriminate against any individual
21 because of race, color, religion, sex, national origin, age, disability, familial status,
22 marital status, sexual orientation or gender identity or expression or in admission to, or
23 employment in, any program established to provide apprenticeship or other training.

24 (e) Whenever, in order to engage in a profession, occupation, or trade, it is
25 required that a person receive a license, certification, or other credential, become a
26 member of an association of any club, association, or other organization, or pass any
27 examination, it is an unlawful employment practice for any person to discriminate
28 against any other person seeking such license, certification, or other credential, seeking
29 to become a member or associate of such club, association or other organization, or
30 seeking to take or pass such examination, because of such other person's race, color,
31 religion, sex, national origin, age, disability, familial status, marital status, sexual

1 orientation or gender identity or expression.

2 (f) It is an unlawful employment practice for an employer, labor organization,
3 employment agency, or joint labor-management committee to print or cause to be
4 printed or published, any notice or advertisement relating to employment, membership,
5 certification, referral for employment, or apprenticeship or other training, indicating any
6 preference, limitation, specification, or discrimination based on race, color, religion, sex,
7 national origin, age, disability, familial status, marital status, sexual orientation or gender
8 identity or expression.

9 **SECTION 7 – DEFINITION OF GENDER IDENTITY OR EXPRESSION:**

10 Section 2-263 of the Palm Beach County Code is hereby amended to include the
11 following definition:

12 Gender Identity or Expression means a gender-related identity, appearance,
13 expression or behavior of an individual, regardless of the individual's assigned sex at
14 birth.

15 **SECTION 8 - REPEAL OF LAWS IN CONFLICT:** All local laws and ordinances
16 applying to the unincorporated area of Palm Beach County, Florida in conflict with any
17 provisions of this ordinance are hereby repealed.

18 **SECTION 9 - SEVERABILITY:** If any section, paragraph, sentence, clause,
19 phrase, or word of this ordinance is for any reason held by a court to be
20 unconstitutional, inoperative, or void, such holding shall not affect the remainder of this
21 ordinance.

22 **SECTION 10 - INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**
23 The provisions of this ordinance shall become and be made a part of the Code of Laws
24 and Ordinances of Palm Beach County, Florida. The sections of this ordinance may be
25 renumbered or relettered to accomplish such, and the word "ordinance" may be
26 changed to "section", "article", or other appropriate word.

27 **SECTION 11 - EFFECTIVE DATE:** The provisions of this ordinance shall
28 become effective upon filing with the Department of State.

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APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
County, Florida, on this the _____ day of _____, 2007.

SHARON R. BOCK,
CLERK & COMPTROLLER
PALM BEACH COUNTY

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By:  _____
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the _____ day of
_____, 2007.