

ORDINANCE 81-20

To Amend Section 2.60.040(c) of the Bloomington
Municipal Code Regarding the Human Rights Commission

BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON,
MONROE COUNTY, INDIANA, THAT:

SECTION I. Subsection (c) of Section 2.60.040, entitled "Powers and
duties", shall be amended to read as follows:

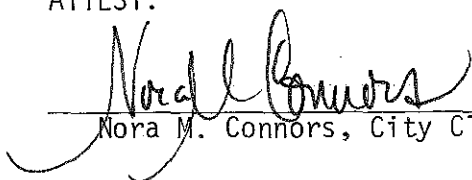
(c) To schedule complaints for public hearings upon a determination of probable cause by the legal department. When the recommendation after the investigation is no probable cause, the complainant shall be furnished a copy of the findings of fact and recommendations and shall be given ten days to make a written request, with the reasons therefor, to the chairperson of the commission for review of the finding. Upon the receipt of the request for review, the chairperson or their designee shall review the request and the decision of the reviewing commissioner regarding probable cause shall be final. Whenever a commissioner reviews a decision at the request of a complainant, such commissioner shall be disqualified from any further participation in that case, except as a witness at a public hearing on the complaint. Complaints of discrimination shall be received and investigated by the legal department. To be acceptable to the legal department, a complaint shall be sufficiently complete so as to reflect properly the name and address of the complainant; the name and address of respondent against whom the complaint is made; the alleged discriminatory practice and a statement of particulars thereof; the date or dates and places of the alleged discriminatory practice; if it is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred; and a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance as is alleged in the complaint; together with a statement as to the status or disposition of such other action; provided that no complaint or charge of discrimination in employment on the basis of handicap shall be considered valid and acceptable to the legal department unless it is submitted by an individual who has been properly certified as a handicapped person as defined in subsection (x) of Section 2.60.020. No complaint shall be valid unless filed within ninety days from the occurrence of the alleged discriminatory practice, or from the date of the termination of a published and meaningful grievance procedure provided by a respondent employer or labor union; provided, that complaints filed only with the Equal Employment Opportunity Commission shall be deemed to have been filed simultaneously with the legal department for purposes of measuring the ninety-day limitation, as long as the complaint is otherwise within the legal department's jurisdiction; provided, further, that any person who files a complaint with the Indiana Civil Rights Commission shall have no recourse to the City of Bloomington legal department concerning any of the matters alleged in such complaint; provided, further, that the legal department shall have no jurisdiction over the state or any of its agencies, or over the city or any of its departments. After a complaint is scheduled for a public hearing, the legal department shall make reasonable efforts to conciliate all issues raised during the investigation of the case.

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

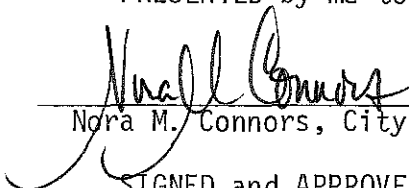
PASSED and ADOPTED by the Common Council of the City of Bloomington,
Monroe County, Indiana, upon this 18th day of March, 1981.


Alfred I. Towell, President
Bloomington Common Council

ATTEST:

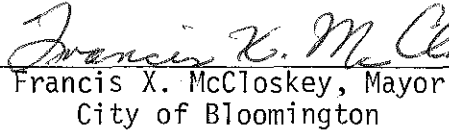

Nora M. Connors, City Clerk

PRESENTED by me to the Mayor upon this 19th day of March, 1981.



Nora M. Connors, City Clerk

SIGNED and APPROVED by me upon this 19th day of March, 1981.



Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

This ordinance, sponsored by Councilmember Murphy, would provide an appeal process of staff denials of probable cause to the chairperson of the Human Rights Commission.