ORDINANCE 78-46

To Amend Chapter 2.60 of the Bloomington Municipal Code, Entitled, "Human Rights Commission" and Include Coverage of Handicapped Persons

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

SECTION I. Sub-section 2.60.010(a) of the Bloomington Municipal Code is hereby amended to read as follows:

2.60.010 Public Policy and Purpose.

(a) It is the public policy of the City of Bloomington to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real property including but not limited to housing, and to eliminate segregation or separation based on race, religion, color, sex, national origin, ancestry, or handicap, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

SECTION II. Sub-section 2.60.010(b) of the Bloomington Municpal Code is hereby amended to read as follows:

(b) The practice of denying these rights to persons because of race, religion, color, sex, national origin, ancestry, or handicap, is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of the City of Bloomington, and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex, national origin, ancestry, or handicap is the purpose of this chapter.

SECTION III. Sub-section 2.60.010(d) of the Bloomington Municipal Code is hereby amended to read as follows:

(d) It is hereby declared to be contrary to the public policy of the City of Bloomington and an unlawful practice to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, religion, color, sex, national origin, ancestry, or handicap.

SECTION IV. Sub-section 2.60.020(h) of the Bloomington Municipal Code is hereby amended to read as follows:

(h) "Discriminatory practice" means the exclusion of a person by another person from equal opportunities because of race, religion, color, sex, national origin, ancestry, or handicap, or a system which excludes persons from equal opportunities because of race, religion, color, sex, national orign, ancestry, or handicap; or the promotion or assistance of segregation or separation in any manner on the basis of the above categories; provided, it shall not be a discriminatory practice for an employment agency to refer for employment any individual, or for a joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in such program on the basis of his religion, sex or nation origin in those particular instances where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; further provided, that it shall not be a discriminatory practice for a person to refuse to rent for occupancy as living

quarters any space in an owner-occupied multiple dwelling structure on the basis of sex; provided further, it shall not be a discriminatory practice for an employer to fail to employ or retain as an employee any person who because of a handicap is physically or otherwise unable to efficiently and safely perform, at the standards set by the employer, the duties required in that job; provided further, it shall not be a discriminatory practice to fail to promote or transfer a handicapped person to another job or occupation after he or she is employed unless, prior to such transfer, such handicapped person by training or experience is qualified for such job or occupation; provided further, it shall not be a discriminatory practice for an employer to fail to modify physical accommodations or administrative procedures to accommodate a handicapped person.

SECTION V. Sub-section 2.60.020 (y) of the Bloomington Municipal Code is hereby added to read as follows:

(y) "Handicap or Handicapped" means the physical or mental condition of a person which constitutes a substantial disability. In reference to employment, under this chapter, "handicap or handicapped" also means the physical or mental condition of a person which constitutes a substantial disability unrelated to such person's ability to engage in a particular occupation. To be classified as "handicapped" a person shall be certified as such pursuant to the procedures, rules and regulations issued by the Indiana rehabilitation services board pursuant to IC 22-9-1-13(c).

SECTION VI. Sub-section 2.60.040(d) of the Bloomington Municipal Code is hereby amended to read as follows:

(d) To issue such publications and such results of investigation and research as in its judgment will tend to minimize or eliminate discrimination because of race, religion, color, sex, national origin, ancestry or handicap.

SECTION VII. Sub-section 2.60.040(e) of the Bloomington Municipal Code is hereby amended to read as follows:

(e) To initiate or receive charges of discriminatory practices or complaints, except that no commissioner who initiates a complaint may participate as a member of the agency in the hearing or disposition of the complaint. Upon the request of the complainant, the commission or staff shall aid the complainant in drafting the complaint. To be acceptable to the commission, a complaint shall be sufficiently complete so as to reflect properly the name and address of the complainant, the name and address of the respondent against whom the complaint is made; the alleged discriminitory 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 commission unless it is submitted by an individual who has been properly certified as a handicapped person as defined in sub-section 2.60.020(y). No complaint shall be valid unless filed within ninety (90) 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 Commission for purposes of measuring the ninety (90) day limitation, as long as the complaint is otherwise within the Commission's jurisdiction. Provided further that any person who files a complaint with the Indiana Civil Rights Commission shall have no recourse to the Bloomington Human Rights Commission concerning any of the matters alleged in such complaint. Provided further that the Commission shall have no jurisdiction over the state or any of its agencies.

SECTION VIII. Sub-section 2.60.040(k)(2) of the Bloomington Municipal Code is hereby amended to read as follows:

(2) If unlawful discrimination is found in the area of employment, an order shall be issued requiring the respondent to take such such affirmative action including, but not limited to hiring, reinstatement, and upgrading of employees or people deprived of employment, with or without compensatory damages to which the complainants would have been entitled had they not been deprived of equal opportunity. Provided that this sub-section shall not be construed to require any employer to modify physical accommodations or administrative procedures to accommodate a handicapped person.

SECTION IX. Sub-section 2.60.050(a) of the Bloomington Municipal Code is hereby amended to read as follows:

(a) All contractors doing business with the City of Bloomington, except those specifically exempted by regulations promulgated by the Human Rights Commission and approved by the Common Council shall take affirmative action to insure that applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate inequality based upon religion, race, color, sex, national origin, ancestry or handicap. Affirmative action shall include but not be limited to the issuance of a statement of policy regarding equal employment opportunity and its communication to all personnel involved in recruitment, hiring, training, assignment and promotion; notification of all employment sources of company policy and active efforts to review the qualifications of all applicants regardless of race, religion, color, sex, national origin, ancestry or handicap; recruiting in the minority group community for employees; and establishing an internal system of reporting concerning equal employment, recruiting, hiring, training, upgrading and the like.

SECTION X. Sub-section 2.60.050(c) of the Bloomington Municipal Code is hereby amended to read as follows:

(c) All contracting agencies of the City of Bloomington or any department thereof shall include in all contarcts hereafter negotiated or renegotiated by them a provision obligating the contractor to take affirmative action to insure that the applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate inequality based upon race, religion, color, sex, national origin, ancestry or handicap.

SECTION XI. Sub-section 2.60.060 of the Bloomington Municipal Code is hereby amended to read as follows:

2.60.060 Educational Program. In order to eliminate prejudice among the various groups in the city and to further good will among such groups, the commission may prepare educational programs designed to emphasize and remedy the denial of equal opportunity because of a person's race, religion, color, sex, national origin, ancestry or handicap, its harmful effects, and its incompatibility with the principles of equality.

SECTION XII. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance

which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION XIII. 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 20 day of July, 1978.

John F. Richardson
John F. Richardson, President
Bloomington Common Council

ATTEST:

Nora M. Connors
Nora M. Connors, Deputy City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this day of , 1978.

Nora M. Connors
Nora M. Connors, Deputy City Clerk

SIGNED and APPROVED by me upon this 24 day of July, 1978.

Francis X. McCloskey
Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

This ordinance would include handicapped persons who have been certified by the Indiana Rehabilitation Services Board within the coverage of the Bloomington Human Rights Ordinance. Limitations imposed on this protection by IC 22-9-1-13 are included within the ordinance.

I HEREBY MOVE THAT ORDINANCE # 78- 46,

ENTITLED To amend BUC to add Coverage of Handicapped Persons,

BE INTRODUCED AND READ FOR FIRST READING BY TITLE

ONLY AT THE COUNCIL MEETING HELD on 7/6/78

Floyd W. Olcott

(Signature)